Second Session—14-25.

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BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 14.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 4th November, 1942, at 2-15 p.m., being the fourteenth day of the Second Session of 1942, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

Obituary Reference.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I feel overburdened and overwhelmed with grief to have to make yet another obituary reference as regards the death of Rai Bahadur Manmatha Nath Bose, and beg to move the following resolution:—

> "That this House places on record its deep sense of sorrow at the sudden demise of Rai Bahadur Manmatha Nath Bose and desires to convey its heartfelt condolences to the members of his bereaved family."

Sir, it is a sad irony of fate for this House that the cruel hand of death should have taken away three of our honourable colleagues including the Hon'ble President, within the very short space of a month and a half. Sir, Rai Bahadur Manmatha Nath Bose was a leading pleader of Midnapore and a notable political figure there. We had the pleasure of working with him for about six years. Every honourable member of this House was quite familiar with him and it is not necessary for me to dilate on the various qualities of his head and heart on this occasion. The Rai Bahadur was a quiet, unostentatious nineteenth century gentleman with progressive ideas of the 20th century. He was courteous to all. His sweet and silver voice must be still ringing in our ears. One great thing that should be said of him was that although he spoke very seldom in this House, yet whenever he was on his legs his speech showed considerable legal acumen and broad common sense and thereby contributed very largely to our debates. The House has lost one of its most experienced members and we have lost a common friend. We deeply mourn his loss and desire that a message of condolence should be conveyed to the members of the bereaved family. In particular, we have to condole with the Progressive Party which has lost two of its prominent members, Maharaja Sir Manmatha Nath Roy Chowdhury and Rai Bahadur Manmatha Nath Bose. With these words, I commend my resolution to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council places on record its deep sense of sorrow at the sudden demise of Rai Manmatha Nath Bose Bahadur and desires to convey its heartfelt condolences to the members of his bereaved family.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, I rise to support the resolution on behalf of the party which I have the honour to represent. I knew Rai Bahadur Manmatha Nath Bose from before. When I was at Midnapore several years ago as a Government servant, I made his acquaintance. I then saw what a popular figure he was there as the Chairman of the Municipality of Midnapore. Thereafter, I met him here as a colleague and I know what a good gentleman he was and what lively interest he used to take in all the legislative measures that came up for consideration before this Council during his time. He was a lawyer of considerable eminence and used to look at things from the lawyer's point of view. His judgments were always very sound and the reasonings advanced by him in support of his standpoint were also cogent. He was courteous to all and practically everyone was his friend in this House. We very much deplore his loss which has come to us as a sudden blow, because only the other day when we met him here he was hale and hearty. With these few words, on behalf of the Party which I have the honour to represent in this House, I very warmly associate myself with the resolution and desire that a message of condolence be conveyed to the bereaved family.

Mr. W. B. C. LAIDLAW: It is with a heavy sense of loss that I rise to refer to the death of Rai Bahadur Manmatha Nath Bose, and my party feels his passing away deeply. He possessed that greatest of all virtues in debate—an open mind; when he spoke we always knew that we were listening to the voice of real authority based on intimate knowledge of the problems that beset Bengal. Since 1908 he had been a prominent figure in public life, but it was in the field of the co-operative movement that he was outstanding. I had the privilege of being associated with him on the Board of the Bengal Provincial Co-operative Bank and I know that he was deeply concerned to put the affairs of the co-operative movement on a better footing; and I also know that he used to work long hours at the bank often when his health was not of the best. We who are left to carry on will surely miss his wise counsel.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. Deputy President, Sir, it is indeed very unfortunate that this Hon'ble House should have lost the services of two of its popular members within a brief space of time. Only yesterday we passed a resolution on the demise of our late President and today we are called upon to perform the melancholy duty of paying our tribute to the memory of the late Rai Bahadur Manmatha Nath Bose. Rai Bahadur Manmatha Nath Bose was a prominent member of the Progressive Party to which I have the honour to belong. His sad death took place on the 18th October last when he was 74 years of

age. The Rai Bahadur was one of the leading lawyers of the Midnapore Bar. As a member of the Midnapore District Board for 20 years, as Chairman of the Midnapore Municipality for 10 years, as Vice-President of the Midnapore College and a Visitor to the Midnapore Central Jail, he had rendered splendid service to Midnapore. He was a pioneer, as has been stated by the previous speaker, of the co-operative movement in this province. He was the life and soul of the Midnapore Central Co-operative Bank and was its first non-official Chairman. He was also a Director of the Provincial Co-operative Bank for several years. As a member of the Council, he was a great asset to this House; his speeches were very helpful to its deliberations and his views were always moderate. He was universally loved, as his fine qualities of head and heart made deep impression in the minds of those who came in close contact with him. He was the Deputy Leader of the Progressive Party to which I have the honour to belong, and it is a great blow to the Party to miss him at this time. To me, Sir, his death is a great personal loss. I valued his counsel most and shall miss him till the end of my days. May the fragrance of his memory be never lost to us. I offer my deepest sympathy and condolences to his son, not only on my behalf but on behalf of my Party. May his soul rest in peace—a reward for which he well qualified himself by his manifold activities in this world of ours.

Mr. SACHINDRA NARAYAN SANYAL: Mr. Deputy President, Sir, I rise to associate myself with the tributes already paid by the previous speakers to the memory of the departed soul. We all knew the Rai Bahadur very intimately and this House will very much miss his familiar figure. He was a fine gentleman and commanded universal respect for his uniformly courteous manner, his keen sense of duty and, last but not the least, his broad outlook. We cannot assess today the loss sustained by his death. It is indeed our great misfortune that he would be no longer in our midst to help us in our deliberations in this House with his mature knowledge. With these words, I support the resolution and I fully share the feelings expressed by the Raja Bahadur of Nashipur, the leader of his party.

Khan Bahadur ATAUR RAHMAN: Sir, I rise to associate myself with the resolution which has been moved by the Hon'ble Leader of the House regarding the sad death of our late lamented friend Rai Bahadur Manmatha Nath Bose. My connection with him was for over 20 years—since practically the beginning of the co-operative movement of which he was one of the pioneers in this province. He believed very firmly in the gospel of co-operation and devoted his life and energy even at the sacrifice of his lucrative practice for the improvement of the co-operative movement in Bengal. The co-operative movement will ever remain grateful for the services rendered to it by the late Rai Bahadur as Chairman of the Central Co-operative Bank of Midnapore. In the Council here, as has been said by previous speakers, he was very cogent in his arguments and did his best to put up his case and fought up to the last. Even though he was frequently defeated, the defeat did not baffle him. He was amiable and, as has been said by the Hon'ble

Leader of the House, was a 19th century gentleman in the real sense of the word with progressive ideas of the 20th century. The whole House will miss him and it is our misfortune that we have missed three of our colleagues within such a short time. I offer on behalf of my party our sincerest sympathy to the bereaved family and pray to God that his soul may rest in peace!

Mr. HUMAYUN KABIR: Sir, it is, as has been said by the last speaker the melancholy duty of this House that we have to pay tribute to the memory of three members within a very short time. Yesterday we mourned the sad death of our late President and today we have to mourn the loss of a member who made the most valuable contribution to the debates of this House. I did not have the good fortune to know him before the constitution of this Council; but ever since we met, his sense of fairness, his equanimity and his moderation have always impressed me deeply. Even when party passions ran high, and there have been occasions when party passions did run high, when questions of disputed policy were discussed, he held the scales even between the contending parties and always brought to the discussion of every question a scrupulous fairness and a consideration of its merits. I am sure this House will be the poorer by his absence, and I can only, on behalf of the members of the House, express our sense of sympathy and condolence to the members of the bereaved family. We cannot solace them on such an occasion, but we can only say that it was a rich and valued life which he has contributed to Bengal in many respects and in many directions. Bengal will be poorer today by the loss of our revered colleague.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. Deputy President, Sir, I also rise to associate myself with the sentiments expressed in the House. It is well-known that the late Rai Bahadur had a very sweet disposition. He was courteous to all and even in the course of debates on matters in regard to which he felt very strongly, he expressed himself as moderately as possible. Though he was a lawyer, accustomed to fight out his points, still his innate gentlemanliness never left him. It was clear that his modesty was not due to mediocrity or deficiency of intellect. He was a very sound lawyer and a competent investigator in legal matters. He was a great authority on the complicated tenancy laws of our province and in these matters his speeches will serve as a guide to investigators of the future. As I said a moment ago, his modesty was due to consciousness of superior knowledge and superior abilities combined with a sweet and gentlemanly disposition.

With these few words, I support the resolution.

Mr. KADER BAKSH: Mr. Deputy President, Sir, I also rise to support the resolution that has been moved by the Leader of the House. Every member of this House knows fully well the sobriety and the sweetness of temper of the departed Rai Bahadur. It is not to be doubted that he was a

very remarkable figure in the domain of the legal profession. He was most unostentatious in his manners and in his habits. We miss most keenly the absence of a man of his temperament today in this House not only because there have been so many parties here, but also because the death of a man, as my learned friend Mr. Kabir has said, who held the balance between the contending parties so evenly, is a great loss to this House. This is indeed a striking testimony to the sterling worth of our late lamented Rai Bahadur.

With these few words, I beg to support the resolution moved by the Leader of the House.

Rai Sahib JATINDRA MOHAN SEN: Mr. Deputy President, Sir, I beg most whole-heartedly to associate myself with the resolution which has been so ably moved by the Leader of the House and which has been so eloquently referred to by all members who have spoken before me. Sir, I knew the Rai Bahadur for a long time. As one belonging to the same Party I have found him to be sober and moderate in his views and he always took a very keen interest in all the questions that came up before the House for discussion. Whenever we decided to take some sort of extreme view in any matter, he always dissuaded us as in his opinion such attitude would detract from the force of the argument that was advanced on such matter. We always found him to be very moderate and, as a matter of fact, his moderateness was inherent from the family to which he belonged. Most of the members of his family held high Government posts and that also to a certain extent moderated his views, and as has been said by many of the members he dived deep into the questions which were placed before the House and his debates evoked keen interest among the members. We used to respect him as our elder brother and so his sudden demise is not only a personal loss but the loss is also great so far as the present Council is concerned. We pray that his soul may rest in peace.

Mr. DEPUTY PRESIDENT: Before putting the resolution to the House, I wish to say that I fully share the feelings of profound sorrow which have been so movingly expressed from different sections of this Council on the death of our esteemed colleague Rai Bahadur Manmatha Nath Bose, Deputy Leader of the Progressive Party in the Council, which melancholy event took place on the 18th October last, and I join with the honourable members in offering our heartfelt sympathy to the bereaved family in their grievous loss. Courteous in manners and amiable in temperament, a parliamentarian of considerable experience and above all a great gentleman of quiet nature, the late Rai Bahadur was a very popular figure in the public life of Bengal.

After graduating in Law, the Rai Bahadur joined the Midnapore District Bar and became one of the leading lawyers there in course of time. His activities were not confined only to his professional sphere. Indeed, almost every useful public institution at Midnapore claimed his attention during his fairly long public career. He was a member of the Midnapore District Board for 20 years and also the Chairman of the Midnapore Municipality for

10 years at a stretch from 1924 to 1934. He was a very energetic member of the Midnapore Central Co-operative Bank of which he was the Secretary from 1914 to 1930. In recognition of his meritorious services in this sphere, the Rai Bahadur was made the first non-official Chairman of the bank. He was for several years an elected Director of the Bengal Provincial Co-operative Bank. As a reward for his various public services the title of Rai Bahadur was conferred on him in 1921. He was elected to the Bengal Legislative Council in 1937, from the Burdwan Division South-West General Rural Constituency. He used to take a prominent part in the proceedings of this House, particularly in connection with the Bengal Tenancy (Amendment) Bill, the Bengal Money-Lenders Bill and the Bengal Co-operative Societies (Amendment) Bill, his contributions being always remarkable for a sound grasp of the intricate principles involved therein. He was 74 at the time of his death and is survived by his widow, a son and a daughter besides a large number of admirers and friends to mourn his loss. May his soul rest in peace! With these few words, I will now put the resolution.

The question before the House is: that the House places on record its deep sense of sorrow at the sudden demise of Rai Bahadur Manmàtha Nath Bose and desires to convey its heartfelt condolences to the members of his bereaved family.

According to the usual practice, I would request the honourable members to signify their approval by rising in their places.

(Thank you, gentlemen.)

It will be my duty to see that the message of condolence is conveyed to the bereaved family. I adjourn the House till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 5th November, 1942.

Members absent.

The following members were absent from the meeting held on the 4th November, 1942:—

(1) Rai Bahadur K. C. Banerjee.
(2) Mr. S. C. Chakraverti.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. B. C. Datta.
(5) Mr. N. C. Datta.
(6) Mrs. K. D'Rozario.
(7) Mr. K. K. Dutta.
(8) Mr. K. L. Goswami.
(9) Khan Bahadur Muhammad Asaf Khan.
(10) Maulana Muhammad Akram Khan.
(11) Sir T. Lamb.
(12) Mr. J. McFarlane.
(13) Dr. R. K. Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. Pal Chowdhury.
(16) Khan Sahib Abul Quasem.
(17) Khan Bahadur Kazi Abdur Rashid.
(18) Mr. Altaf Ali.

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BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 15.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 5th November, 1942, at 2-15 p.m., being the fifteenth day of the Second Session of 1942, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

Arrest of members of the Legislature.

36. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many members of the Parliamentary Coalition Progressive Party of the Bengal Legislature have been taken into custody under the operation of the Defence of India Act or Rules? Who are they?

(*b*) Did the Hon'ble Minister examine the cases of each one of them? If so, with what results?

(*c*) Are they still in jail? If so, how?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) A list showing the names of the members of the Legislature, who have been taken into custody under the Defence of India Rules, is placed in the Library.

(*b*) Their cases are under consideration.

(*c*) Yes. On the strength of the provisions of the rules shown against each in the list.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it will be convenient for him to place the list on the Table in this Chamber rather than in the Library, so that we may look at it and know the names? It is impossible for every member to go to the Library and have a look at the list.

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a matter with which I am not concerned; it is a matter for the Council Department.

Supplementary question to question No. 37 which was answered on 7th October, 1942.

Mr. SACHINDRA NARAYAN SANYAL: Sir, may I know whether the wife of Babu Biresh Chandra Chakrabarty can expect the allowance?

The Hon'ble Mr. A. K. FAZLUL HUQ: I will enquire into this matter.

False personation at elections.

38. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that the offence of false personation at the polling of elections held for the Legislature has increased in Bengal;

(*b*) what steps have the Government of Bengal taken or propose to take to prevent false personation and other corrupt practices at the elections to the Bengal Legislature; if not, why not;

(*c*) whether the Government propose to make false personation a cognisable offence in Bengal by a suitable legislation; if not, why not;

(*d*) whether Government are aware that in Madras, the United Provinces, Bombay and the Punjab Acts have already been passed to make personation a cognisable offence; and

(*e*) if so, whether the Government propose to pass a similar Act in Bengal; if not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No information to this effect has reached Government.

(*b*), (*c*) and (*e*) False personation and other corrupt practices are already criminal offences. The department of Government concerned has also prepared legislation on the lines of the Bombay Criminal Procedure (Elections Offences) Amendment Act, 1935, with a view to making false personation at an election a cognisable offence.

(*d*) So far as I am aware, similar Acts were passed in Bombay and the Punjab; I have no information as regards the other provinces.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state when the legislation prepared by the department, as stated in answer (*b*), (*c*) and (*e*), will be introduced in the Bengal Legislature—on what date the proposed legislation will be introduced?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I do not follow the question.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state when is the Government going to introduce this legislation?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Bill is ready and we hope to introduce it in the next session.

Air Raids in Bengal.

40. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Minister in charge of the Home Department, be pleased to make a comparative statement about the Air Raids that have taken place in this Province with special reference to—

(*a*) their number, date, time and places of occurrence;

(*b*) the nature and extent of damage;

(*c*) the number of casualties;

(*d*) the nature of Air Raid precautionary measures provided in those places; and

(*e*) if any town had been bombed?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret that on grounds of public security it is not possible to disclose the information asked for.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Minister be pleased to state if it is a fact that he made a statement on the subject a few days ago?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have nothing to add to what I have already stated. That covers my answer.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Is it not a fact that the Hon'ble the Chief Minister made a statement in this House on this subject?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have nothing to add to what I have said. My reply covers the whole thing.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Is it a fact that in the statement made by the Hon'ble the Chief Minister at that time he had disclosed certain facts regarding this matter? If that be the case, I cannot understand why he is saying now that it is not possible for him in the public interest to disclose those facts.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is impossible for me without transgressing the rules by which we are bound, to answer a question

like this. I can only say that there are certain facts, and the present one falls within them, which cannot be disclosed. I cannot give any further information.

Mr. HAMIDUL HUQ CHOWDHURY: Arising out of (*e*), will the Hon'ble Minister be pleased to state whether any town in Bengal has been bombed?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are the newspaper reports.

Mr. HAMIDUL HUQ CHOWDHURY: There is no sense in saying in reply to (*e*) that on grounds of public security it is not possible to disclose the name of the town that may have been bombed.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as these news are concerned, they are first made available to the military authorities and after that they are circulated through well-recognised news agencies to the public. We have no authority to disclose those news.

Mr. HAMIDUL HUQ CHOWDHURY: Has the Government no obligation so far as this House is concerned to convey information which is not secret?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not for me to answer the question as to how far I am bound by those rules.

Rai Sahib JATINDRA MOHAN SEN: Is the Hon'ble the Chief Minister posted with all the information asked in question No. 40?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is not possible for me to give that information either.

Mr. HAMIDUL HUQ CHOWDHURY: Did the Hon'ble the Chief Minister read the question before coming to this House?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, am I to answer that?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the Chief Minister has read out the answer mechanically in the House.

Mr. LALIT CHANDRA DAS: Is not Patenga 10 miles away from Chittagong and not part of the town of Chittagong and as such this question does not form part of (*e*) of question No. 40?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say that.

Mr. HAMIDUL HUQ CHOWDHURY: Arising out of (*a*), will the Hon'ble Minister be pleased to state whether the place of occurrence is in the province of Bengal or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: Whether it is in the province of Bengal or not, I cannot add to what I have already said.

Mr. LALIT CHANDRA DAS: Is it not a fact that no bomb has fallen within the Chittagong Municipality?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: May I know whether there was any A.R.P. arrangement in the place where bombs fell?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret I cannot answer that question.

Mr. HAMIDUL HUQ CHOWDHURY: There is an adjournment motion on this subject. Possibly it may not be moved. The Hon'ble Minister may, therefore, enlighten the House—without describing the details of the A.R.P. arrangements—as to why timely warning as regards air raids was not given; because according to our information there was no timely information given, the alert being 5 minutes after the raid began.

Mr. DEPUTY PRESIDENT: That question does not arise. Order, order.

As the Hon'ble Nawab Bahadur of Dacca will not attend the Council today, question No. 42 standing in his name is passed over.

Mr. MESBAHUDDIN AHMED: What about question No. 41?

Mr. DEPUTY PRESIDENT: That has also been passed over.

Message from the Duchess of Kent.

Mr. DEPUTY PRESIDENT: The following message was received by the late Hon'ble President from Her Royal Highness Marina, the Duchess of Kent, in reply to the message of condolence sent to her on behalf of the Council in connection with the death of His Royal Highness the Duke of Kent:—

"Buckingham Palace, London.

Please convey to the Bengal Legislative Council my grateful thanks for their very kind message which has touched me deeply.

Marina."

Adjournment motions.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I at this stage draw your attention, Mr. Deputy President, to my adjournment motion regarding the Rayer Bazar looting case in regard to which the Honourable the Leader of the House promised to make a statement?

Mr. DEPUTY PRESIDENT: Is the Honourable the Leader of the House in a position to make the promised statement?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Yes, Sir. I promised to make a statement about the incident at Rayer Bazar in the district of Mymensingh. The facts, so far as the Government have been able to gather, are as follows:—

This Rayer Bazar is a big market belonging to the Atharabari zemindar. There are a large number of merchants (wholesale dealers and shop-keepers) in the bazar which sits on every Monday and Friday. The Friday market is bigger than the other. About 5,000 to 10,000 people generally belonging to Kendua, Nandail, Iswarganj and other police-stations, usually attend this bazar. On this particular——

Mr. MESBAHUDDIN AHMED: On a point of order, Sir. Since the Hon'ble the Chief Minister, who is also the Minister in charge of Law and Order, is present in the House, will it not be better if he made the statement?

Mr. DEPUTY PRESIDENT: As the statement was promised by the Honourable the Leader of the House and as he has undertaken that responsibility himself even in the presence of the Hon'ble Chief Minister, I do not see any harm in his doing so.

The Hon'ble Khan Bahadur M. ABDUL KARIM: As I was saying, on this particular day of occurrence, that is, on the 2nd October, 1942, Friday, a fairly large number of men numbering about 15,000 to 20,000 attended this bazar. There was a heavy demand for rice on this day. Merchant Radha Ballav Dutta brought about 300 maunds of rice for sale on that day. The officer in charge of the local police-station fixed the price of this rice at Rs. 9-8 per maund. Previously, rice was being sold here both by the merchants and by the villagers at the high rate of Rs. 11 to Rs. 12 per maund. Constable Dabiruddin and chowkidar Parsuram were on duty in front of this shop of Radha Ballav to control the rush of buyers. Radha Ballav is a very big merchant, a wholesale dealer in various commodities, viz., rice, *dal*, tobacco, salt, jute, molasses, cocoanut oil and mustard oil and lime. He distributed 100 maunds of rice to other dealers in the bazar for retail sale in the *hat* and he himself kept the rest for retail sale. He commenced selling rice at about 14 hours, that is at 2 o'clock, when there was some rush.

The constable and the chowkidar controlled the rush to the best of their ability. In the meantime, there was some looting of dry fish in the fish market situated in the western side of the bazar. Soon after this, the rush in front of Radha Ballav's rice shop increased gradually and eventually about 5,000 people or more gathered there and demanded rice all at a time. They were very restless, which seemed to suggest as if they had some bad intention in their minds. The constable and the chowkidar did their utmost to control them but failed in their honest attempt. At this stage some of the people shouted "loot, loot." Simultaneously with this, one Jabbar Shaikh of Dhurua, police-station Nandail, seized the constable by his *kurta* and another man give him a *lathi* blow on his hand. Some of these miscreants cried out to those present to tie up the constable and another tried unsuccessfully to hit him on his head. Some others snatched away his *lathi*, whereupon the constable ran away. Some of the mob were armed with axes, *lathis*, *ram dao*, iron rod, hammers, etc. About this time Radha Ballav closed all the doors and the windows from inside. The people were battering against the doors and walls of the shop and were trying to break them open. Radha Ballav, as he says, fired a few blank cartridges upward from inside the house. Simultaneously, the mob broke open the doors and the corrugated iron sheets and some of them were ordered to attack Radha Ballav when the latter fired 10 to 15 shots aiming low towards the walls and the openings; but a large number of people had by then entered the shop and commenced looting of all articles. By this time, Radha Ballav's employees fled away by the back door and Radha Ballav also ran away by the same door with his gun and took shelter in the house of a cobbler behind a jungle. Some of the mob chased him to some distance but came back. Articles to the value of about Rs. 13,000 or Rs. 14,000, as Radha Ballav says, were looted from his shop. The looters then rushed towards the east and having left untouched 3 or 4 Hindu shops situated to the east of the shop of Radha Ballav, attacked the shop of the biggest cloth merchant, Prem Sankar Dikshit,—an upcountry man aged 70 years—who has been carrying on business here for about 50 years. The mob broke open the shop and looted away new clothes to the value of about Rs. 15,000. Prem Sankar Dikshit took a *dao* in hand, injured a number of men (the exact number of which he could not say, saying that he was not in proper mood then) and fled away by the back door. Radha Ballav also cannot say, on the same ground, as to how many shots he had fired or from which place and direction throughout his struggle. Prem Sankar and all his employees received injuries while struggling with the looters. The looters then ran away in different directions. On their retreat, a portion of the mob attacked the godown of Brindaban Bajpayee in the south-east corner of the bazar, broke open the godown and looted about 20 maunds of paddy and 25 or 30 maunds of jute. In course of looting a choukidar ran to the Atharabari zemindar's house and informed about it, whereupon a number of the employees and darwans of the zemindar came with 4 guns and fired about 15 to 20 shots in the air (including blank shots, as they say) when the mob dispersed. Thirteen injured men (12 having gunshot injuries) were subsequently traced between 5th October, 1942, and 10th October, 1942.

Some of the injured men say that the darwans of Atharabari zemindar opened fire and injured some of them; but the zemindar's superintendent says that he deputed 4 officers with gun and it was they who fired several shots. These officers are reported to be retainers of the guns used. About 125 Muslims and 4 Hindus were apprehended after the Atharabari zemindar's men came and before the officer in charge of the Iswarganj thana could arrive. These men were arrested by the police and sent up to Mymensingh. First information was recorded by the officer in charge of the Iswarganj thana and the matter is now pending before the Magistrate. Of course, we are not going to discuss this matter in all its details, as it is now pending before the Magistrate. But it appears that as a matter of fact there was a rush for the purchase of rice which was selling at a lower rate at Radhaballav's shop than at other shops in the bazar. There was struggle between the shopkeeper and his men and the zemindar's men on the one side and the rioters on the other. The mob got impatient and cried "loot", "loot"; and the Leader of the Opposition, being a senior Magistrate once, knows the mentality of a mob when they are excited. As a matter of fact, this occurrence had nothing to do with dearness of the price of rice. It was due to the fact, so far as it appears from the report, that everybody wanted to get that rice which was selling at a lower price than elsewhere in the bazar. Then, there was that scuffle and the contagion spread like wild fire and there was a general looting. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The price was fixed by the police?) Yes, the price of that 300 maunds of rice was fixed by the police. The police asked that shopkeeper not to sell the rice at Rs. 11 or Rs. 12 as he did in the previous *hats*, but to sell at Rs. 9-8 per maund net. There was a rush at the shop at the first instance due to the small quantity of rice to be sold at a lower price which attracted a large crowd there; and then in the ordinary course, it transformed itself into a general bazar looting. There was no indication that there was dearth of rice in that particular locality. The people only wanted to avail themselves of the rice which was selling at a lower price. From the facts of the case, it might very well be taken that this was an instance of simple bazar looting for which the Government can in no way be held responsible. Government has sent up for trial several Hindus and Muslims who were arrested in that *hat*.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I, Sir, ask one or two questions?

Mr. DEPUTY PRESIDENT: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We want to know whether there was sufficient quantity of rice at the bazar; why the police did not also control the price of other retail rice-sellers; whether it is not a fact that the Atharabari zemindar's people fired at the *hat*-going people after the looting was over; whether they fired at the innocent people two hours after the looting was over, when innocent people were making their purchases in the *hat*. We want to be enlightened on these points.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, before the Hon'ble Minister replies, may I put some questions so that he might reply to all the questions at a time. The Honourable the Leader of the House has stated that dearness of price cannot be assigned as the immediate cause of this rioting. But is he certain that if rice were sold at Rs. 12 a maund on that day, there would not have been any riot? Then, he says that there was rush at this particular shop because no other rice shop was selling rice at that lower price in that bazar. But, Sir, may I ask whether Government had no responsibility in the matter of supply of rice at a controlled price when there was acute scarcity of rice in that locality, when it was beyond the economic capacity of the people to buy rice even at Rs. 9-8 per maund? Of course, it is a matter which is *sub judice*; but the Honourable the Leader of the House has stated that four officers with certain durwans of the Atharabari zemindars came with 4 guns and fired blank shots at the mob, and that 125 Muhammadans and 4 Hindus were arrested; but how does he account for the fact that when the looters numbered 4,000 or 5,000, it was possible for these 4 officers with 2 durwans and a few scared shopkeepers, who were running away, to arrest 129 persons? Is it not a fact that the firing was not made in the evening although the looting was over by 3 p.m.? (Mr. K. C. Roy Chowdhury: Sir, are these questions or a speech?) It is everything. We want to make these points clear, as on the replies thereto will depend whether we shall move the adjournment motions or not. As I was saying, our information is this. By 2 o'clock the riot was over. One shop was looted and one or two other shops were attempted to be looted. But the actual firing took place at about 4 or 5 o'clock. Time was taken for going to the Atharabari zemindar's house from the market place and then they sent their men who fired upon the innocent *hat*-going persons. The looters could not possibly be in the market at that time and all the firing was done upon the persons who had nothing to do with looting. In this view of the matter, there could not have been any justification for the firing.

Mr. K. C. ROY CHOWDHURY: Sir, the Hon'ble Minister's statement does not disclose the number of fatalities or of those who succumbed to injuries received.

Khan Sahib ABUL QUASEM: I understood from the statement of the Hon'ble Minister that this particular shopkeeper was offering for sale three hundred maunds of rice at the controlled price. The people there came to know that only upon this quantity of rice to be sold by this particular shopkeeper the control price will apply when rice was being sold in other shops at uncontrolled price. Therefore, Sir, was it not to be expected in the natural course of things that there would be a very great rush of people to avail themselves of rice at the controlled price from this shop? Why was not this anticipated and why sufficient police force was not kept ready to prevent untoward occurrence?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, as regards Mr. K. C. Roy Chowdhury's question, I can say that two men were killed, but not as the result of gun-shot wounds. Two men were found dead, one at some distance from the shop and another on the railway line, and 12 other persons received gun-shot injuries.

Mr. KADER BAKSH: On a point of order, Sir. My point of order is this that the Hon'ble Minister was requested to make a statement whether in consequence of the firing any person was killed. I submit, Sir, the death of any one on the railway line is absolutely irrelevant and is not pertinent to the question at issue.

Mr. DEPUTY PRESIDENT: This is no point of order.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I simply stated bare facts. Two men were found dead about the place of occurrence and those two men had no gun-shot injuries. Twelve or 13 other men had gun-shot injuries. What is your next question? So many honourable members put so many questions that it has not been possible for me to retain them all in my head. So, why not repeat them?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The next question is: why all the rice that was available for retail sale in that Bazar on that date not ordered to be sold at controlled price?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Only that rice which was indented under permit was controlled; that is to say, the three hundred maunds that were offered for sale by Radha Ballav Dutt. The bazar rice, that is the sale of rice by villagers, was not controlled; also rice in any other shop was not controlled. That is the information which I have received; but it will be for the Magistrate to enquire into the matter and ascertain the issue properly on evidence placed before him. You ask me to make a statement and I am making a statement about what was actually found and what was actually done. The next question, please?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The next question is: whether gun-shots were fired by the Atharabari people after the looting.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. What is going on seems to be cross-examination of the Hon'ble Minister and what the Hon'ble Minister may be drawn into saying may prejudice the case which is *sub judice*. In making this statement and in replying to questions in this House if he says "yes" and other things to that effect, then it will be reported in the papers tomorrow and may hamper the administration of justice in this particular case. Therefore, I say that the Hon'ble Minister should not be allowed to be cross-examined in this way, especially when the case is *sub judice*.

Mr. DEPUTY PRESIDENT: It lies with the Hon'ble Minister to decide whether he is prepared to give a reply to the questions or not; if, however, the matter is *sub judice*, he need not reply.

Mr. LALIT CHANDRA DAS: May I enquire, Sir, whether on a matter which is admittedly *sub judice*, I am not entitled to rise on a point of order, irrespective of whether the gentleman who is replying to the question is a Minister or not? If the matter is really *sub judice*, then I am entitled to raise this point of order and I think that the Hon'ble Minister cannot reply to any question on that point. It does not matter whether the Minister is prepared or willing to answer.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Well, the official information is that the looting, I mean, the trouble started at 2 o'clock. Information had to be sent to the Atharabari zemindar's cutchery which was at a distance of over a mile. My further information is that, I mean the case for the prosecution is that, while looting was going on the zemindar's men came with loaded guns and fired at the mob, which had the effect of dispersing a good many of the people. As regards the question put by Mr. Hamidul Huq Chowdhury as to how it comes about that out of the 4,000 or 5,000 people gathered there in the market, only 129 people were arrested, I may say that by the time guns were fired, almost all the people had disappeared; that is to say, there were not many people present when the zemindar's men came and began firing.

Mr. HAMIDUL HUQ CHOWDHURY: But I understood the Hon'ble Minister to mean that firing started immediately after looting.

The Hon'ble Khan Bahadur M. ABDUL KARIM: No. no. I said that the looting started at 2 o'clock or thereabout; an allowance may be made for about half-an-hour for the looting to commence. Therefore, while looting was going on the zemindar's men fired at the mob with the object of dispersing the crowd and saving their property, because the zemindars are the proprietors of that bazar and they would be within their rights to defend their property——.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. If the Hon'ble Minister makes such categorical statements about the hour when the firing and other things started, then this will greatly prejudice the case. We do not want him to give any opinion about the time of the occurrence and the facts; we want a certain report only. But he is now elaborating upon the time and like a lawyer trying to fix upon a time. We do not want him to give his opinion; we only want the facts as they actually happened.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Well, the statement that I have read out has been obtained from the police and it is to the effect

that while looting was going on, say at 3 or 4 o'clock—of course, I do not know exactly when—the zemindar's men came and used their guns in the best way they could which had the effect of dispersing the rowdy mob from that place.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please say whether any person alleged to have fired the gun has been sent up for trial?

The Hon'ble Khan Bahadur M. ABDUL KARIM: I am not in a position to say that. But from the fact that 125 Muslims and 4 Hindus have been arrested, I gather that probably those four might be the retainers of the gun. The whole matter is before the Magistrate and it is for the Magistrate to say whether it was a case of retaliation or whether it was a case of saving their private property.

Mr. DEPUTY PRESIDENT: Order, order. On the 7th October last I received notices of three adjournment motions. When I was about to take them up one by one, Professor Humayun Kabir moved for papers and suggested that if after the statement made on behalf of the Government Opposition were not satisfied, then they might move the adjournment motions. In response to this suggestion, the Honouraole Leader of the House agreed to make a statement and the Opposition agreed to await it. That statement has just been made. May I now take it that the honourable members who gave notices of the adjournment motion are satisfied with the statement and will not press their adjournment motions?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: So far as those adjournment motions are concerned, we are not pressing them because we have got a more important adjournment motion which relates to a more recent occurrence.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, we are not satisfied with the statement made by the Honourable Leader of the House.

Khan Sahib ABUL QUASEM: Sir, I put a definite question to the Honourable Leader of the House which has not been touched by him in his answer. May I have a reply?

Mr. DEPUTY PRESIDENT: Order, order. That matter is closed now. I have received another set of adjournment motions which I am putting one by one, in order of priority.

Mr. Nur Ahmed, are you going to move your motion No. 1?

Mr. NUR AHMED: No, Sir.

Mr. HUMAYUN KABIR: Sir, with regard to item 3 of the list of adjournment motions, I would request you to follow the precedent which has

been established in this House and of which we have just now had an instance. In this case also, papers may be called for regarding the firing incident near the Puran Thana mosque in Kishoreganj which has created great excitement in the minds of the public of Bengal. I can assure the members of the Opposition that members on this side of the House are no less anxious to have the full report placed before the public with regard to this incident. After all the facts are before the House, if it is thought that the action of the Government is not satisfactory, the Opposition will have every right to do whatever they think best. So, I move that with regard to this shooting incident near the Puran Thana mosque in Kishoreganj, Government should place all relevant facts before the House. Sir, I have moved for the papers and it is for you to admit it, or not.

Mr. DEPUTY PRESIDENT: Order, order. Motion No. 2 also stands in the name of Mr. Nur Ahmed.

Mr. NUR AHMED: Sir, I do not move it.

Mr. DEPUTY PRESIDENT: Motion No. 3 stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir, I am going to move motion No. 3 and I beg leave of the House to move it.

Mr. DEPUTY PRESIDENT: May I take it that the House has granted leave to the Khan Bahadur to move his motion——

Mr. HUMAYUN KABIR: Sir, what about my suggestion to call for papers on the subject being placed before the House in the first instance? With regard to this motion, I have moved that papers may be called for.

Mr. DEPUTY PRESIDENT: But if the members press for formally moving the motion, I cannot stop them. Is it the pleasure of the House to allow the honourable member to move his motion?

Mr. LALIT CHANDRA DAS: No, no.

Mr. DEPUTY PRESIDENT: As there is no objection, the Khan Bahadur may move his adjournment motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance——

Mr. DEPUTY PRESIDENT: Khan Bahadur, the proper form to move your adjournment motion would be: "I beg to move that the Council do now adjourn".

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, before you allow the adjournment motion to be moved. may I make a statement before the House regarding this motion?

Mr. DEPUTY PRESIDENT: But I have already allowed the adjournment motion to be moved. I am sorry you did not follow the proceedings of the House. When I was examining the question of admissibility or otherwise of the adjournment motion, you told me that you had no objection. So, I allowed the motion to be moved.

The Hon'ble Mr. A. K. FAZLUL HUQ: But, Sir, I have got to place certain information before the House before you allow this motion to be moved.

Mr. DEPUTY PRESIDENT: I have already allowed it. You may make your statement after the Khan Bahadur has moved the motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I proceed to move my motion?

Mr. DEPUTY PRESIDENT: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that this Council do now adjourn its business to discuss a definite matter of urgent public importance, namely, the shooting by the police on a peaceful Muslim crowd within the premises of Puran Thana mosque in Kishoreganj town of Mymensingh district on the night of the 19th October, 1942, at 11 p.m. resulting in 4 deaths and 10 persons injured.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, what I mean to say is this: I have no objection to the honourable Leader of the Opposition moving this motion. But as the matter is under adjudication in a court of law, I am merely drawing your attention to the clear provision of rule 89 of the Council Procedure Rules. Rule 89 says, "Subject to the provisions of these rules, any member may move a resolution relating to a matter of general public interest:

Provided that no resolution shall be admissible which does not comply with the following conditions, namely:—

* * * * * * * *

(*c*) it shall not refer to any matter which is under adjudication by a court of law.....".

Now, Sir, I did not object to the motion being moved. What I thought was that I should state before the House what the circumstances really were. I submit that rule 89 prohibits the discussion of this matter which is under adjudication in a court of law. Even if through mistake

I did not object at the time of moving the motion, the fact remains that the discussion of this matter might prejudice the trial of this case. I have got all the facts with me. I will make a full statement later on.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the Hon'ble Home Member had his opportunity. The objection could be taken at that time but no objection was taken. When the motion has been allowed by you, it presupposes that you have done so over-ruling all objection that could be raised. Secondly, Sir, the question as to whether the matter is *sub judice* is a matter for the Chair to decide, because the particular case which is before the court may not be touched by this adjournment motion, and the adjournment motion may confine itself to other facts and circumstances which may not prejudice the pending case.

The Hon'ble Mr. A. K. FAZLUL HUQ: Immediately after the occurrence, cases were started by the police against Hindus and Muslims and some of the cases are before the court. Now, Sir, as soon as I was informed that the matter is *sub judice*, I brought it to your notice. At the time of putting the motion, I did not know that the matter was *sub judice*. But as soon as the same was communicated to me, it is my duty to point out to you that if you allow a discussion on this subject, you will be infringing a mandatory provision of law. Rule 89 is mandatory. I may also add that in the discussion points are bound to crop up which will have to be decided by the court——

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Rule 89 refers to resolutions which is a quite different thing. The Hon'ble Minister has been referring to cases which have been instituted by the police against persons who have been injured by gun-shot and it is not unknown that the police shield themselves in this manner. If we are prevented from discussing such an important matter, there should not be any provision for adjournment motion at all.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, it is quite apparent that the Chief Minister is trying to take shelter behind a technical point. So far as the adjournment motion is concerned, this assurance can be given that those persons against whom cases have been started or allegations have been made, will not be touched and to that extent there will be no prejudice so far as the cases are concerned. Therefore, sir, the rest of the occurrence, namely, firing and other things can be discussed. The Chief Minister has not said—nor can he say, that any police officer has been put on trial. Therefore, sub-rule (*c*) of rule 89 cannot apply so far as this adjournment motion is concerned. Secondly, Sir, I do not believe that the information he now conveys to you about the case being *sub judice* was not known to him at the time when permission was given by the Chair.

Mr. HUMAYUN KABIR: Sir, the point which seems to have been raised is twofold: the first is that if an objection on the ground that a

case is *sub judice* has to be raised at all, it should be raised at an earlier stage; that is the first ground. The second ground is that even if a case is *sub judice*, it does not affect the matter under consideration before the House. I would submit that both these contentions are mistaken. With regard to the first point that the question should be raised at an earlier stage, I think there was a certain amount of misunderstanding and confusion in the House. I had moved for papers; but, Sir, you made no reference to that and some of us were not sure what exactly you were asking the House to decide—whether it related to the moving of the adjournment motion or whether it related to my motion calling for papers. Besides, if there is a definite provision in the rules which govern the proceedings of this House, objection can be raised at any time. There is a definite rule in our Rules of Business that a point of order can be raised at any time and nothing in contravention of any rule can be permitted at any stage. Therefore, even if the Hon'ble Chief Minister did not raise the point about the matter being *sub judice* earlier, I think it is nevertheless within his competence to raise that point whenever it occurs to him or whenever his attention is drawn to that fact. That leads me to the second contention of the Opposition, namely, that this adjournment motion can be discussed without referring to matters which are *sub judice*. This is the contention of Mr. Hamidul Huq Chowdhury who is an able lawyer and can always make something out of nothing. His plea is that although the court will discuss and come to a decision on other matters, the actual firing will not be made a matter for investigation. I submit that these two elements cannot be separated. If certain persons have been brought under trial, they have been brought under trial for circumstances of which one element was the incident of firing. Therefore, in apportioning blame or punishing any person the question of firing will also have to be taken into consideration. On the other hand, the question of firing cannot be considered without raising the question of apportioning blame between the different officers and the members of the public. These two elements may be distinct but they are not different; they cannot therefore be separated. Accordingly, none of the two contentions of the Opposition is tenable. On the other hand, if the case is *sub judice*, it would then be difficult for the House to discuss the matter. I would in this view of the case, therefore, ask you whether it would not be advisable to have a complete statement made by the Hon'ble Chief Minister and if that statement is not considered satisfactory by the Opposition, the Opposition may be given an opportunity to ventilate the matter through an adjournment motion.

Mr. KADER BAKSH: May I speak a few words on this matter from the point of view of law? My learned friend Mr. Kabir is not a lawyer though he seems to know law. (Mr. HUMAYUN KABIR: He is a lawyer but does not practise law.) I do not know that he has read law but he seems to know law as well as any lawyer. Still, I must say that he is mistaken about his ideas about the legal aspect of cases that are *sub judice*. What are the facts? We have got the information from the Chief Minister that some cases have been started against some people as

rioters. The question involved in this case, the issue that will have to be judged by the court in this case, is whether these people are rioters at all or not, whether they committed any action which amounts to rioting. That is the only question that will have to be gone into by the court of law and that is the only question, the only issue that is *sub judice*, and nothing else. If there has been any firing, then the firing will not be any issue for the court to decide. It may be a side-issue and may not be concerned with the case which is now *sub judice*; it may be a different matter altogether. There is no case against the police who opened the firing. If there is no case regarding firing and if it is not a question which is *sub judice*, then there is no reason why it cannot be discussed. It is only a legal quibble and I think my friend Mr. Kabir is taking shelter behind this legal quibble, and his arguments will not hold water. Sir, in these circumstances, I would request you to consider the whole question and see whether it is really *sub judice*. If it is not, I do not see any reason why the motion should not be admitted, as the matters involved in the motion will not at all be affected. I submit this not as a party member, not as a Muslim, but as a lawyer. It is not at all *sub judice*. This question could never be raised as an issue before the court in connection with the cases that have been instituted. Then, Sir, the members of the House know fully well that the motion can be moved only with the permission of the House, and objection, if any, will have to be taken then and there. On being satisfied that no objection was raised, you, Sir, gave permission for the motion being moved. No objection was taken by any one at that time—either by the Home Minister or by any one else. So, everything is all right and there is no bar to the moving of this motion before the House.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. The point taken by the Opposition members is: whether the Hon'ble Chief Minister raised his objection in proper time. I say, Sir, that he did raise the objection in proper time. The proper time was when the honourable Leader of the Opposition was formally moving his motion. His motion came before the House when he actually moved and as soon as he did so, the Hon'ble Minister gave the information to you that the case was *sub judice*. That is a fact and need not be doubted. The point for decision now is: whether in the circumstances you can allow the motion to be moved and discussion to be carried on. This is the simple point.

Mr. DEPUTY PRESIDENT: I do not want to give a ruling on this point off-hand. I propose to give my ruling on the next day. In the meantime, I should like to pass over this matter. But if I allow the motion to be moved in my ruling, I shall waive the rule regarding urgency——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the rule of 13 members agreeing to the adjournment motion may also be waived.

Mr. DEPUTY PRESIDENT: Yes, I shall also take into account that fact. A point of order has been raised by the Hon'ble Chief Minister, and I shall give my ruling on that point of order.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. DEPUTY PRESIDENT: The House will now take up further discussion of the Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. NUR AHMED: Sir, amendment No. 6 standing in my name was being discussed when we last met.

Mr. DEPUTY PRESIDENT: Amendment No. 6 moved by Mr. Nur Ahmed was being discussed at the time when we last met and Mr. Lalit Chandra Das and Khan Bahadur Saiyed Muazzamuddin Hosain spoke on that amendment. The amendment was left unfinished at that stage.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I beg to oppose this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that for sub-clause (*1*) of clause 2 of the Bill, the following be substituted, namely:—

(*1*) for clause (*c*) of sub-section (*1*), the following shall be substituted, namely:—

"(*c*) five members to be appointed by the Provincial Government, of whom one shall be the representative of the Scheduled Castes, one Hindu woman, one European, one Moslem woman and one Moslem interested in primary education."

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that for sub-clause (*1*) of clause 2 of the Bill, the following be substituted, namely:—

"(*1*) in clause (*c*) of sub-section (*1*), for the words, 'two shall be representatives of the depressed classes', the words, 'one shall be representative of the Scheduled Castes and one woman interested in education, two Moslems and one European' shall be substituted."

Mr. NUR AHMED: Sir, I shall say a few words in support of this amendment. It seeks to secure for the majority community in Bengal an equal number of seats with the Hindus on the Central Primary Education Committee. Sir, my amendment is based on Mr. B. C. Chatterjee's 50:50 formula. By this amendment I seek to secure justice for the majority community. Sir, according to the last census figures, the Muslim community is a majority community in Bengal. In the existing Act, on the Central Committee it is already placed in minority. By this amending Bill their proportion is going to be reduced still further. Sir, if this amendment

is carried, bare justice will be done to that great community which is vitally interested in primary education in Bengal. In this amendment I propose that out of the members who will form the Central Primary Education Committee, only 7 will be Muslims, other 7 will be Hindus and one will be *ex-officio* member who may be European or may belong to other community. The other day objection was taken by Mr. Lalit Chandra Das that Europeans were proposed to be given representation on the Central Committee. But my friend has forgotten the services—the meritorious services—rendered by the missionaries for the cause of primary education. Out of that gratitude, I want one seat being allotted to the Europeans having interest in primary education. I also think that two Muslims should be there out of the 5 nominated seats. Sir, as section 3 stands now, only 5 elected seats have been reserved for Muslims and there is no provision for reservation of seats for Muslims among the nominated seats. Out of 5 nominated seats, 2 have been reserved for Depressed Classes and no seat has been reserved for the Muslims. The Muslims should be in a majority, or at least in equal number. Sir, I think I can appeal to every section of the House to rise to the occasion by accepting this amendment and thus do justice to the Muslim community. I point out to Mr. Das that here is an occasion for him to do justice to the Muslim cause and thus advance the cause of Hindu-Muslim *rapprochement* which is dear to our heart. I appeal to the Leader of the House to accept this amendment. With these words, I commend this amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved that for sub-clause (*l*) of clause 2 of the Bill, the following be substituted, namely:—

> "(*l*) in clause (*c*) of sub-section (*l*), for the words, "two shall be representatives of the depressed classes', the words 'one shall be representative of the Scheduled Castes and one woman interested in education, two Moslems and one European' shall be substituted."

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose this amendment and my reasons for opposing the motion are exactly the same as the reasons which I adduced against motion No. 6, for in substance the two motions are the same. Now, Sir, in referring to my speech on motion No. 6, my friend Mr. Nur Ahmed says that I did not do justice to the Europeans. Sir, when I gave my reasons as to why Europeans need not go in for the Rural Primary Education Committee some of the members of the European group were present and they were convinced by the arguments that I advanced on that occasion. The fact that none of them is present here today shows that they are not at all anxious to be on the Primary Education Committee.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to support the amendment moved by my friend Mr. Nur Ahmed. It is a very fair proposal. Instead of increasing the number of seats, he proposes this

amendment. It provides for women representation on the committee and at the same time all the five seats are re-distributed in such a way that a fair proportion of Muhammadans may be on the committee. The Act, as it stands, reserves in section 4 only five seats for Muhammadans out of 17 seats. But if this amendment is accepted, two more seats will be given to Moslems; that is seven only will be reserved for Muslims out of 17 seats, which is not at all an unfair proposition. As a matter of fact, in the matter of primary education Moslems are more interested than the Hindus. If the figures of Moslem boys reading in primary schools are taken into account, then it will be found that the number of such boys is more from the Muslim community than from the Hindu community. So, it is a very fair amendment, although I feel that it is less than fair to the Muhammadan community. For I think they ought to get more than three seats out of the five to be appointed by nomination, and at the same time there should be provision for a Muslim woman. Therefore, I think the amendment makes a very fair proposal and should be accepted by the other side of the House.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I have given my most careful consideration to this amendment and find myself unable to accept it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What is your reason, please?

Mr. DEPUTY PRESIDENT: The question before the House is the amendment of Mr. Nur Ahmed that for sub-clause (*1*) of clause 2 of the Bill, the following be substituted, namely:—

> "(*1*) In clause (*c*) of sub-section (*1*), for the words 'two shall be representatives of the depressed classes', the words 'one shall be representative of the Scheduled Castes and one woman interested in education, two Moslems and one European' shall be substituted."

The motion being put, a division was challenged with the following result:—

AYES—7.

Ahmed, Mr. Nur.	**Molla, Khan Sahib Subidali.**
Aziz, Khan Sahib Abdul.	**Momin, Begum Hamida.**
Hosain, Khan Bahadur Saiyed Muazzam-uddin.	**Quasem, Khan Sahib Abul.**
	Singh Roy, Sir B. P.

NOES—20.

Barua, Mr. D. L.	**Das, Mr. L. C.**
Choudhury, Mr. Moazzemali.	**Jan, Alhadj Khan Bahadur Shaikh Mohd.**
Chowdhury, Mr. Khorshed Alam.	**Kabir, Mr. Humayun.**
Chowdhury, Khan Bahadur Rezzaqul Haider.	**Karim, Hon'ble Khan Bahadur M. Abdul.**
Cohen, Mr. D. J.	

Maitra, Rai Bahadur B. M.
McFarlane, Mr. J.
Mookerjee, Mr. N. N.
Rahman, Khan Bahadur Ataur.
Ray, Rai Sahib J. N.
Ray, Mr. N. N.
Roy, Mr. A. D.
Roy Chowdhury, Mr. B. K.
Sanyal, Mr. S. N.
Sen, Rai Sahib J. M.
Sinha, Raja Bahadur B. N.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the motion 7; against the motion 20. Therefore, the amendment is negatived.

Mr. NUR AHMED: Sir, I beg to move that in clause 2 of the Bill, in sub-clause (*1*), paragraph (*a*) be omitted.

Sir, the paragraph referred to runs as follows:—

"In section 4 of the Bengal (Rural) Primary Education Act, 1930 (hereinafter referred to as the said Act),—

(*1*) in clause (*c*) of sub-section (*1*)—

(*a*) for the word 'five' the word 'seven' shall be substituted."

Sir, by this amendment I want to show that Government may very well provide one or two seats for women. When I wanted to include women members in the Central Committee, the Education Minister stated that there was already provision for it in clause (*c*) where it is laid down that out of 5 members to be nominated by Government one or two may be women, and as such there is no necessity for providing particularly for it in the Bill by any amendment. It is an irony of fate that Government has come out with a proposal to increase the number of nominated persons from five to seven. Government says that it is necessary in order to provide seats for women in the Central Committee. On going through the sub-clause (*c*), we find that Government has tried to nominate 5 of which two seats are reserved for the Depressed Classes leaving 3 more. If the Government desires to nominate, it can easily nominate one or two women in the Central Committee. There is absolutely no necessity for increasing the number from 5 to 7. Therefore, I propose that paragraph (*a*) may be omitted.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 2 of the Bill, in sub-clause (*1*), paragraph (*a*) be omitted.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, the reason for raising the number from 5 to 7 is so obvious that I need not waste the time of the House by any argument. I oppose the amendment.

(Khan Bahadur Saiyed Muazzamuddin Hosain rose to speak.)

Mr. DEPUTY PRESIDENT: If any honourable member wants to speak on any particular amendment, he should rise before the Hon'ble Minister in charge of the Bill rises to reply.

The question before the House is that in clause 2 of the Bill, in sub-clause (*1*), paragraph (*a*) be omitted.

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*1*) of clause 2 of the Bill, for paragraph (*b*), the following be substituted, namely:—

"(*b*) after the words 'of whom' the words 'two shall be women—one Hindu and one Moslem, connected with primary education and' shall be inserted; and".

By this amendment, I propose that out of two seats provided in the amending Bill for women, one should be reserved for Hindu women and one for Muslim women. I also want to provide that these members should be connected with and interested in primary education. I have inserted this for safeguarding the interest of primary education. Since the Leader of the House, who is in charge of the Bill, said that there may not be any Muslim qualified to be nominated by Government, I propose in this amendment to reserve one seat for Muslim women. I think this is a very reasonable amendment and I hope for the sake of justice the Hon'ble Minister in charge of the Bill will accept this amendment.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 2 of the Bill, for paragraph (*b*), the following be substituted, namely:—

"(*b*) after the words 'of whom' the words 'two shall be women—one Hindu and one Moslem, connected with primary education and' shall be inserted; and".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I support the amendment. This does not make any addition. It only provides that one of the two nominated women seats shall be Muslim, and I think our honourable friends sitting over there will support this.

The Hon'ble Khan Bahadur M. ABDUL KARIM: My honourable friend on the Opposition may rest assured that if there are two women, one would be a Muhammadan. But I do not want the law to be made too rigid.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 2 of the Bill, for paragraph (*b*), the following be substituted, namely:—

"(*b*) after the words 'of whom' the words 'two shall be women—one Hindu and one Moslem, connected with primary education and' shall be inserted; and".

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*1*) of clause 2 of the Bill, for paragraph (*b*), the following be substituted, namely:—

"(*b*) after the words 'of whom', the words 'two shall be women—one Hindu and one Moslem and' shall be inserted; and"

Sir, this amendment is more or less on the same lines as the previous one with the exception that the words "connected with primary education" are not there. Here, I have given free choice to Government to nominate one Hindu and one Muslim. Just now the Hon'ble Minister in charge of the Bill has given us an assurance that he will nominate a Muslim woman. If that is so, there cannot be any objection to this amendment being added to the proposed Bill. Sir, it will secure for all time one seat for Muslim women. There is no guarantee that the Hon'ble Minister will continue in charge of the Education Department and that his successor will carry out his assurance. He may nominate two women from the other community and in that case the interest of the Muslim community will suffer. So, I request the Hon'ble Minister to accept the amendment.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 2 of the Bill, for paragraph (*b*) the following be substituted, namely:—

"(*b*) after the words 'of whom', the words 'two shall be women—one Hindu and one Moslem and' shall be inserted; and".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to support the amendment which has been moved. My reason is that it is desirable that in the matter of Muslim representation the law should be rigid though the Hon'ble Minister has said that he does not want the law to be rigid. He cannot tolerate rigidity. Why then the law has been made so rigid and the quota of appointments to the Public Services has been fixed for the future?

Mr. LALIT CHANDRA DAS: On a point of order, Sir. My friend was referring to the speech of the Hon'ble Minister which he delivered in connection with the previous amendment and he has very good reason to refer to that speech because amendments Nos. 11 and 12 are exactly similar. Therefore amendment No. 12 cannot stand, because amendment No. 11 has already been voted out.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, Sir, the two amendments are different. Amendment No. 12 is not altogether the same as amendment No. 11.

Mr. LALIT CHANDRA DAS: But I maintain Sir, that in essence the two amendments are exactly the same.

Mr. DEPUTY PRESIDENT: There is, however, a slight difference.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is why I say that rigidity is necessary in this case——

Mr. LALIT CHANDRA DAS: On a point of order again, Sir. Supposing that this amendment is pressed to a division and we lose: what will be the effect so far as amendment No. 11 is concerned, we having carried it already? If amendment No. 12 is carried, shall we lose amendment No. 11?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, you will lose that amendment.

Mr. LALIT CHANDRA DAS: No, that cannot be. For if two identical amendments are moved and one is carried, the other cannot be moved at all. Therefore amendment No. 12 cannot be moved.

Mr. DEPUTY PRESIDENT: Mr. Das ought to know that no ruling can be given by the Chair on a hypothetical case.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: For the same reason, I say that rigidity must be observed in this case. In the case of the public services we did not get our dues so long as we were not rigid. So, I think that in the matter of nomination we should ear-mark one of the women's seats for a Muslim lady.

Begum HAMIDA MOMIN: Sir, I beg to support the amendment so ably moved by Mr. Nur Ahmed. I am of opinion that considering the fact that the Muslim community is so backward in the matter even of primary education, there must be some special provision about a Muslim woman being taken on the Central Committee, so that she can look after the interest of Muslims in respect of primary education. The Hon'ble Minister has just now assured the House that even if there is no specific provision for it, he would see to it that a Muhammadan woman is nominated. I do not, therefore, see what reason is there to prevent him from giving a statutory form to that assurance. With regard to another remark made by the Hon'ble Minister in the earlier stage of the debate on this Bill that properly qualified women may not be available to sit on the Central Committee, I may assure the House that there is no dearth of Muhammadan women at the present time who are properly qualified to be members of a Primary Education Committee.

Mr. LALIT CHANDRA DAS: I rise to oppose the amendment and I do so because I find communal outlook reflected in it. The Hon'ble Minister has already given an assurance that, wherever possible, the interest of Muhammadan education will be safeguarded and maintained. Therefore, when such an assurance has been already given, this amendment should

not be persisted in. My second reason for opposing the amendment is that it is similar to the previous one on which the House has already given an adverse decision.

Sir BIJOY PRASAD SINGH ROY: Sir, the Hon'ble Minister should realise that he is not a permanent fixture. He is in power today but tomorrow he may not be there. The assurance that he is now giving is only the assurance of the present Government and a future Government may not redeem the assurance or feel obliged to be guided by it. So, in the interest of both the Hindu and Moslem communities, Government would be well advised in accepting the amendment.

Khan Sahib ABUL QUASEM: Sir, I do not understand why the Government is so very shy of putting the provision in respect of a woman representative from the Muslim community in a statutory form. Since the Hon'ble Minister has assured us that when there are going to be two women representatives it may be taken for granted that one of them is bound to be a Moslem woman, then why does he not agree to the incorporation of that assurance in the Act? Sir Bijoy Prasad Singh Roy has pertinently pointed out that the Hon'ble Minister in charge of Education is in office today but it may be that tomorrow he will be nowhere at all so far as the Government is concerned. Therefore, who is going to respect the assurance that he is giving this House from his seat in the Council as Minister today? When he is of the opinion that one of the women representatives is bound to be a Muslim, does he mean to say that a future Government will be bound to implement his assurance as rigidly as any provision that may be laid down in the Act itself? I do not understand his hesitancy about this matter. I want to beseech him to be very clear about the reason which is behind this hesitancy. Why is he fighting shy of clearly declaring specifically that there will be one Hindu and one Muslim seat? Why this hesitancy? Reservation of seats for the Hindu and the Muslim as such appears to be an anathema to the present Government and the Hon'ble Minister in charge seems to forget that he is a representative of the Muslims elected from a Muslim constituency. I do not understand why he of all persons is fighting shy of making the seats reserved for a Muslim and a Hindu? He is a representative of the Muslims—I do not mean him any disrespect, I have the greatest respect for him personally—but this hesitancy about specifically mentioning Hindus and Muslims is simply unintelligible. When the Minister in charge is a Muslim elected by a Muslim constituency, he is expected always to look after the legitimate interests of the Muslim community. The present Ministry, to be sure, owes its birth to Hindu auspices. But that is no reason why a Muslim member of that Ministry should feel diffident about giving effect to the wishes and requirements of the Muslim community. He has forgotten that the Muslims of Bengal, every one of them, wants that the Muslim community should be properly represented on every committee and that they do not want to leave the matter to the pleasure of any particular Government which may be in power today and which may go out tomorrow. Does he deny that the universal wishes of

the Muslims of Bengal is that they should be represented everywhere as Muslims and should not be made to depend upon the whims and eccentricities of any particular Government. We, Muslims, want to make sure about our representation on the committees. He no doubt realises that but still he fights shy of putting the provision in the Statute Book. We have serious objection to this Government's way of doing things. I know that the case is really that the hand is the hand of Esau but the voice is the voice of Jacob——

Mr. DEPUTY PRESIDENT: Order, order. I would request the honourable member to confine his remarks strictly to the amendment which is before the House, and not to cast any personal aspersion.

Khan Sahib ABUL QUASEM: I bow down to your rulings, Sir, governing the conduct of the business of this House. I have made some study of them. I may perhaps be excused if I say that I belong to a profession where every word that we utter is weighed, and that is done by training and tradition. Nothing that has been said by me is meant to attack the Hon'ble Minister personally—it is not a personal attack as such but the remarks are meant for him in the capacity of a Minister. I, as a representative of the Muslim community, have every right to say what I have said and I think it is perfectly relevant to the question which is before the House. The point at issue is this: the Hon'ble Minister himself admitted that there should be one Muslim seat but he does not like to be rigid: he wants to leave it elastic. He fights shy of inserting specifically the particular phrase "Hindu and Muslim". I would ask him with all humility to agree to our proposal to be specific about these two seats and satisfy the feeling of the Muslim public. By not doing so he is doing a great injustice to the Muslim community.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I am not a fool: I am an old thick-skinned man. I do not take very serious notice of the aspersions made against me. As a matter of fact, my honourable friends on the Opposition must realise that I am an older politician than any one of them. And when I say that I do not like to be rigid, I do speak in the interests of the Muhammadans. Having regard to the state of the education, that is to say primary education, I should like to have more percentage of Muhammadan element on the committee. Why should I restrict the right of two Muhammadan women coming in, if the necessity so demands. (Khan Sahib ABUL QUASEM: We do not want that.) It does not matter whether you want it or not. Circumstances may be such that it would be desirable in the interest of the primary education of the Muhammadans to take two Muhammadan women. I have the interest of the Muhammadans as much at heart as the members of the Opposition.

Sir Bijoy Prasad says: what is the guarantee that the next Government will honour the assurance now given by us? Well, as an honest man, I believe in the continuity of the policy of Government. I cannot presume

that my successor and the future Government will be vicious. Therefore, I presume that any sacred assurance or guarantee made by this Government in a proper way will be respected by the successive Government. I cannot presume that the successive Education Minister will not act honestly. As a lawyer, I cannot presume that state of things. Sir, I am not satisfied with the arguments advanced by the other side and I do not accept this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 2 of the Bill, for paragraph (*b*) the following be substituted, namely:—

"(*b*) after the words 'of whom', the words 'two shall be women—one Hindu and one Muslim and' shall be inserted; and"

The motion being put, a division was challenged with the following result:—

AYES—7.

Ahmed, Mr. Mesbahuddin.	**Momin, Begum Hamida.**
Ahmed, Mr. Nur.	**Quasem, Khan Sahib Abul.**
Aziz, Khan Sahib Abdul.	**Singh Roy, Sir B. P.**
Hesain, Khan Bahadur Saiyed Muazzamuddin.	

NOES—13.

Barua, Mr. D. L.	**Maitra, Rai Bahadur S. M.**
Choudhury, Mr. Moazzemali.	**Mookerjee, Mr. N. N.**
Chowdhury, Mr. Khorshed Alam.	**Ray, Rai Sahib J. N.**
Chowdhury, Khan Bahadur Rezzaqul Haidar.	**Ray, Mr. N. N.**
Cohen, Mr. D. J.	**Roy, Mr. A. D.**
Das, Mr. L. C.	**Sen, Rai Sahib J. M.**
Karim, The Hon'ble Khan Bahadur M. Abdul.	

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the motion—7; against the motion—13. Therefore, the amendment is negatived.

Mr. NARESH NATH MOOKERJEE: Sir, may I suggest, for the sake of quick disposal of business, that amendments which are more or less of the same nature may be permitted to be moved at the same time and discussed together, being however put separately for the purpose of recording votes; because at the rate at which we are progressing, it will take a good deal of time to finish the Bill since the Opposition is becoming definitely obstructive?

Mr. NUR AHMED: I do not move amendment No. 13 but I move amendment No. 14 which runs as follows:—

That paragraph (*b*) of sub-clause (*1*) of clause 2 of the Bill may be omitted, and the following clause as sub-section (*3*) to section 4 of the primary education Act, 1930, be inserted:—

"(*3*) The members of the Central Primary Education Committee shall co-opt two women, one Hindu and one Moslem interested in education as members of the committee in the prescribed manner."

Sir, paragraph (*b*) of sub-clause (*1*) of clause 2 which I propose to omit runs as follows:—

"(*b*) after the words 'of whom' the words 'two shall be women interested in education and' shall be inserted: and. This along with the marginal note, sub-clause B of section 4 will run thus 'out of seven nominated members two will be women nominated by Government'." But my proposal in that respect is that paragraph (*b*) should be omitted. And its place, the following words should be inserted, namely, that "the members of the Central Primary Education Committee shall co-opt two women, etc., etc....." that is, the members of the Central Committee will be elected in accordance with sub-clauses (*a*) and (*b*). This means that the Director of Public Instruction *ex-officio* and ten members to be elected by the school boards in the five divisions shall co-opt two women members, one Hindu and one Moslem, in the manner prescribed by rules.

Sir, it is a reasonable proposal and as I object to the principle of nomination, I have provided the principle of co-option. Other members will have a choice of their own and they will be entitled to co-opt two women. The principle of nomination which has been adopted in the Bill should be done away with. In these days of democracy, in this twentieth century nomination should not be given any further impetus or lease of life and should be abolished altogether. Sir, there is the cry in the country that nomination should be abolished. Therefore, I do not see why this Government, this popular Government, which calls itself progressive, should take this retrograde step and try to increase the number of nominated members. That is why I propose this amendment and have suggested the principle of co-option. This will meet with the object of Government to provide for two women members and at the same time do away with the system of nomination. Accordingly, I hope that the Hon'ble Minister in charge of the Bill will be pleased to accept this amendment. The principle of co-option has been introduced in many municipalities and other public elective bodies; and I think, therefore, this principle may be accepted in the case of this Bill also.

Mr. DEPUTY PRESIDENT: Amendment moved that paragraph (*b*) of sub-clause (*1*) of clause 2 of the Bill be omitted, and the following clause as sub-section (*3*) to section 4 of the Primary Education Act, 1930, be inserted:—

"(*3*) The members of the Central Primary Education Committee shall co-opt two women, one Hindu and one Moslem, interested in education as members of the Committee in the prescribed manner."

Mr. LALIT CHANDRA DAS: Sir, I oppose the motion. My grounds are two. First of all, to complete the constitution of the Central Committee two women members must be nominated. The point is—who must nominate these two women members, whether the Government or the other members of the Central Rural Committee. The Central Primary Education Committee will not be complete, according to section 4 of the Primary Education Act, 1930, without the addition of the two women members. But in this amendment what is suggested is that the other members should form themselves into the Central Education Committee and that they should have the powers to nominate two women members. Another reason for my opposition is that the Government is in a better position to choose the proper women representatives and so the right of the Government in this respect should not be interfered with.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to support the motion just now moved by my friend Mr. Nur Ahmed. The honourable mover has framed the amendment in such a way that it hits two birds with one stone. It does away with the pernicious system of nomination and at the same time provides for two women representatives on the committee, the quota of Hindu and Moslem women being fixed at one each. This is a just and reasonable proposal. I wonder how my friends opposite, who were always crying themselves hoarse against nomination when they were in the Opposition, can now support the principle of nomination, as incorporated in this Bill. It is a wonder of wonders that the Congress extremist section should be behaving in such a way.

Mr. NARESH NATH MOOKERJEE: Sir, I rise to make one point clear and that is this: we on this side of the House are never enamoured of the system of nomination and are always opposed to it. In this case, we support the nomination system because we want to see ladies serving on this committee: that is the only reason why we are supporting it. We feel also that no lady interested in primary education will offer herself to be elected by a large constituency. (Khan Sahib ABUL QUASEM: Question.) There is no question or doubt about it. No lady will seek election by a large constituency, in which case we will have to give up the idea of having any lady at all. The other point that I should like to advance is that we feel that there is no reason why there should be any

fear that one Hindu and one Muslim lady would not be appointed by Government if it is not specifically mentioned in the Act and that after the present Government the principle will not be followed. I should like to tell Sir Bijoy Prasad, who is the new champion of the Muslim League and who expressed great fear that there was real danger of the Muslim community being deprived of nomination on this Committee, that his fear is unfounded. I can assure him that there will always be a Muslim majority in the Bengal Legislature. That being so, any future Government in Bengal will always have a Muslim majority and there is no fear at all that the Muslims will jeopardise their own interest by not nominating a member of their own community. I may also tell Sir Bijoy Prasad that there will be no occasion to fear that the two seats will go to the Hindu community and so he need not have any anxiety in this respect. I can assure him—the new champion of the Muslim League,—that the Muslims will always have at least one seat in the Central Committee on primary education. We, Hindus, always feel that our Muslim brothers and sisters require more primary education than the Hindus and we shall never be sorry if even two Muslim ladies really interested in primary education are chosen to fill these two seats. I do not think that the amendment is being opposed merely for the sake of opposition.

Sir BIJOY PRASAD SINGH ROY: Sir, I would not have intervened in this debate but for the speech which has just been delivered by my honourable friend Mr. Mookerjee. First of all, I may assure him that I am champion of no community. I do not recognise, and in fact I have not recognised in my long public career, the communal differences. I had the honour of representing joint electorate in the Lower House and here also I represent joint electorate. So, I do not represent any community and I do not propose to do so. Sir, my honourable friend probably as a new champion of Government gave us the assurance that Government of today will honour the promise that has been given by the Honourable the Leader of the House and the Government of the future will also redeem the promise. But I will just remind him that the Nawab Bahadur of Dacca, as Minister in charge of the Department of Local Self-Government and as sponsor of the Calcutta Municipal Bill, gave an assurance on the floor of this House and elsewhere that one Anglo-Indian lady would be nominated on the Calcutta Corporation. That assurance was also repeated by the late Chief Minister and the present Chief Minister of Bengal; but has that promise been redeemed? Sir, I will point out to my honourable friend for his education that it is not so easy for a party Government always to stick to its promises. Today an assurance may be given but tomorrow it may not be worth the paper on which it was written. I give this suggestion not only on behalf of the Muslim community but also on behalf of the Hindu community. Here, the Hon'ble Minister in charge of the Bill in one breath said that "I give the assurance that one lady should be a Muslim and another a Hindu". Then in explaining the amendment he said that "in the interests of Muslim primary education

it might be necessary to have two Muslim women". Did he then give that assurance with a mental reservation or he simply wanted to throw dust in the eyes of the Hindus?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, personally I am not much enamoured of co-option and cannot prefer it to nomination by Government. In that view of the case, I would not accept the amendment proposed.

My honourable friend Sir Bijoy Prasad Singh Roy has incidentally asked me as to whether when I clearly stated my point of view before the House, I did it with some mental reservation. I have spoken what I felt. It is for me to tell the House what I feel, but I must say it is for God to give others the brains to understand it.

With these remarks, I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that paragraph (*b*) of sub-clause (*1*) of clause 2 of the Bill be omitted, and the following clause as sub-section (*3*) to section 4 of the Primary Education Act, 1930, be inserted:—

"(*3*) The members of the Central Primary Education Committee shall co-opt two women, one Hindu and one Moslem, interested in education as members of the Committee in the prescribed manner."

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The Council now stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 6th November, 1942.

Members Absent.

The following members were absent from the meeting held on the 5th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Altaf Ali.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. S. C. Chakraverti.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. B. C. Dutta.
(8) Mr. Narendra Chandra Dutta.
(9) Mrs. K. D'Rozario.
(10) Mr. K. K. Dutta.
(11) Mr. K. L. Goswami.
(12) Khan Bahadur Muhammad Asaf Khan.
(13) Dr. R. K. Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. Pal Chowdhury.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Dr. K. S. Ray.
(18) Mr. J. B. Ross.

BGP-42/3-9083A-750.

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 16.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 6th November, 1942, at 2-15 p.m., being the sixteenth day of the Second Session of 1942, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

Point of information about Chair's ruling regarding discussion on Kishoreganj incident.

Mr. DEPUTY PRESIDENT: I have been informed that on the ground of ill-health the Hon'ble the Home Minister will be a little late in coming to the Chamber. So, I want to pass over the question relating to his department which is put down in the list for being answered today.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What about the adjournment motions which are pending since yesterday? One is under consideration and there are two or three others which are pending. Are we not taking up that first?

Mr. DEPUTY PRESIDENT: It is the general convention that unless the adjournment motion which is under consideration is disposed of, the other adjournment motions are not taken up.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will all of them stand over till the decision is given on the other adjournment motion?

Mr. DEPUTY PRESIDENT: With regard to the point of order raised by the Hon'ble the Home Minister, I wanted to give my ruling today; but as I am looking for precedents in similar cases and carefully considering the points raised by several honourable members of the House, I have not yet been able to arrive at any decision. So, I do not propose to give the ruling today. I hope to do so on the next sitting day.

I will now proceed to take up the non-official resolutions.

Non-official Resolutions.

Mr. NUR AHMED: Sir, I beg to move that this Council is of opinion that the Government of Bengal be urged upon to take all possible measures for rapid spread of education of all sorts amongst the Muslim population of Bengal.

Sir, this is a very simple resolution on a subject in which the Muslim community is vitally interested. I move this resolution with a heavy heart in this Chamber, because although Provincial Autonomy has been working in this province for about six years and although the portfolio of Education has throughout this period been in the charge of a Muslim Minister, yet no all-embracing or comprehensive plan has been chalked out and put into operation during this long period. The result of this has been that Muslim education in Bengal has not improved as rapidly as was to be expected. It is an admitted fact that the Muslims as a community are very backward in the matter of education of all kinds. Let us first of all consider the present state of Muslim education in Bengal. I wish to give some figures in this connection from the latest education reports of this Government and from the quinquennial report of the Government of India. Sir, though the percentage of Muslim population of Bengal is about 54, yet the percentage of Muslim pupils receiving higher education was only 23·1 in 1938-39 as against 19·3 in 1931-32. From various educational reports and also from census figures it appears that after more than 170 years of British rule in India the Muslim community can claim a literacy of only 9·5 per cent. among males and ·5 per cent. amongst females, according to the census of 1921. According to the census figures of 1931, those figures have now risen to 9·8 per cent. only among the males—that is, during ten years it has increased only by ·3 per cent. among the males and by 1·5 per cent. amongst the females. I have not been able to collect the figures of the latest census but the figures may be a little higher than the ones I have quoted just now. Sir, this is gloomy and dismal, indeed. From the latest Education Report of the Government of India for 1932-37 and from other reports for 1940, it appears that in 1940 out of 39,399 students reading in arts colleges in the University departments in Bengal and Assam only 5,837 pupils were Mussalmans, as against 2,962 in the United Provinces and 3,570 in the Punjab. There were 582 Muslim boys in the professional colleges and University departments in Bengal as against 647 Muslim students in the United Provinces and 737 in the Punjab. Then again, out of the 2,356 girls reading in the arts colleges and University department in Bengal only 135 were Muslims as against 165 in the Punjab and 69 in the United Provinces. There were only two Muslim girls in professional colleges in Bengal against 34 in the Punjab and 1,132 in Egypt. This is the state of college and professional education of the Muslims in Bengal. Let me now take the condition of secondary education in Bengal. There were about 71,658 Muslim students in the secondary stage up to class VI in Bengal as against 54,120 in the Punjab and 29,445 in the United Provinces. While there were 984 Muslim girls in the secondary stage in

Bengal, we find 1,025 in Madras, 1,379 in Bombay, 1,122 in the United Provinces and 3,082 in the Punjab. I have quoted some figures from the other provinces and now if we go outside India we find how Muslim education has progressed in those places. The progress of education among the Russian Muslims will show that during a period of 10 years they have made a great progress. The Education Report of January 1941 of the Russian Republic shows that the number of total Muslim students receiving education in Muslim languages in 1941 was 16,921,900 and if you compare the percentage of literacy among the Russian Muslims we find tha tthe percentage among males in 1926 was 16·5 and among females it was 7·7. In 1936 it increased 75·5 and 60·1 respectively so far as male and female education is concerned. This shows how Bengal compares unfavourably with other provinces of India and other countries of the world so far as the education of her Muslim population is concerned. This will appear more vividly if we remember that while the Muslim population of Bengal is more than 3½ crores, that of the Punjab is less than half of Bengal, and that in the other provinces their number varies from 5 per cent. to 20 per cent. or less. So, it will be seen that the Muslims of other provinces are far ahead both in female and male education. This is one picture of the situation—a very dismal picture. Let us now consider the condition of the present condition of Muslim education in Bengal from another point of view. According to the Education Reports of 1938-39 and 1941 out of 39,399 pupils reading in the University and arts colleges in Bengal, only 5,806 were Muslims. Out of 468,005 pupils reading in the high and middle schools, only 71,658 were the Muslims. Out of 2,356 girls reading in the arts colleges, only 135 were Muslim girls; out of 77 pupils reading in the professional colleges, only 2 were Muslims. Sir, these comparative figures tell their own dismal tale and show how miserable still is the condition of Muslim education in Bengal. It is sometimes said that the Muslims are rapidly progressing in the field of education. Is it so really? Let us compare the percentage of the progress of education among the Muslims. In 1926-27 the percentage of Muslims was 14·3 per cent. in the arts colleges; 14·6 in the professional colleges; 15·5 in high stage and 19·5 in middle stage. In 1936-37 the percentages were 16 in the arts colleges; 15 in the professional colleges; 18 i.e high stage and 24 in middle stage: as against 25 per cent. in the Punjab in arts colleges; 29 per cent. in high stage and 40 per cent. in middle stage.

I do not want to add any comment to these comparative statistics quoted above. They disclose a very serious state of things regarding Muslim education in Bengal. Time has come to take drastic steps for making up the lee-way. Government, though sympathetic of late, owe a solemn duty to the Muslim community in Bengal to provide all necessary facilities to regain their lost grounds. It would require more than a century for the Muslims to recoup their lost position if they are allowed to progress at the present rate. The whole of the Muslim community from the highest to the lowest has fully realised the need for modern education; but only penury, chill penury, utter destitution, extreme poverty, unsympathetic and

hostile atmosphere and also want of proper facilities are retarding, seriously retarding the progress of Muslim education in Bengal. The facilities hitherto given by Government to the Muslims have proved inadequate and insufficient to accelerate the progress of Muslim education in Bengal up to expectation. Even the authors of the Report of the Auxiliary Statutory Commission which reviewed the growth of education in India remark, "We are aware that steps have been already taken to encourage Muslim pupils but we are convinced by the evidence placed before us that much more assistance in this direction is needed to place the Muslim community in Bengal in a sound educational position, particularly the number of stipends and scholarships is small as compared with the total number of Muslim pupils, majority of whom come from very poor families. It was suggested to us in evidence at Calcutta that in view of the needs of the Mahomedan community a sum of Rs. 48·5 lakhs should be allotted immediately for a period of 10 years for stipends and scholarships. Large additions to the number of scholarships are urgently needed." Sir, this remark was made as long ago as 1929, but what has been done during this time? In view of the present deplorable state of Muslim education, the same Committee remarked, "if therefore, special arrangements under the public system of education were made now and possibly for some time to come to enable the Mahomedan community to take a full share in the life and advancement of the nation. It would not be, in our opinion, inconsistent either with sound democracy or sound educational principles." Sir, this is the opinion of the authors of the Commission and they said that it would be a sound policy to set apart a large sum of money for the encouragement of Muslim education. It has been admitted in Government and other reports that it is want of adequate funds which is holding back the hand of the rapid progress of the Muslims in the field of education. It is also a known fact that the Muslims are getting comparatively little help from the money spent on general education in Bengal and their share is smaller as compared with that of the other communities.

Sir, as far back as 1930, the present Chief Minister, the Hon'ble Mr. A. K. Fazlul Huq, moved a resolution in the then old Bengal Legislative Council in which he asked the Government to set apart a sum of Rs. 10 lakhs for a period of 10 years. But, Sir, in reply to that, the then Education Minister, Khwaja Sir Nazimuddin, held out the hope that they were going to appoint a Committee and after their recommendations were received, the Government would take necessary steps. Sir, in accordance with that assurance, a Committee was appointed and its report containing various recommendations was published in 1934. But, unfortunately, though I drew the attention of the Government many times in this House through questions and the Government promised from time to time that they would publish their opinion on the recommendations of that Committee, nothing has yet been done. Sir, since then another momentous Committee has submitted its report, I refer to the Madrassah Education Committee. There are also some very valuable recommendations in that report, but nothing has been done about them also. The Government is

morally bound to give effect to the recommendations of those two Committees. I moved a resolution in this House on 11th August, 1938, to set apart Rs. 25 lakhs for the encouragement of Muslim education. It was unanimously adopted in this House but no effect has been given to that also.

It will thus be seen, as I remarked at the beginning, that though the present Government is an autonomous Government and though the Minister in charge of Education has been a Muslim throughout the whole of this period, yet nothing has been done by them for the encouragement of Muslim education. As a result of that what do we find? We find that the Muslims in Bengal are now lagging far behind as compared with the Muslims in the other provinces. Bengal contains a majority of Muslims and it is a misfortune that their educational needs seem to be persistently neglected even by the Muslim Education Ministers under the present Dispensation. Sir, what was the state of Muslim education before the advent of British rule in India? Let me give a picture of it by quoting a few remarks from some of the European authors who have considered this aspect of the question. "Muslims possessed a widespread system of education. There was an endowment of 3 crores of rupees to support their educational institutions. As a result of the unsympathetic policy followed by the early British Government in India they lost this brilliant system for ever," says one writer. In further justification of my appeal for justice, I may briefly state here the condition of education in Bengal which prevailed on the eve of the British rule here. According to Munro, "In pre-British days and up to some years during the British rule there were schools in every village". I gather this information from the evidence brought before the Houses of Parliament in England in 1813. John Matthai, in his book entitled "Village Administration in British India" says, "When the British took possession of this country they found in most parts of the country that there existed a widespread system of education." Even in the year 1838, Mr. Adam's report shows a similar state of things. According to him, there were one lakh schools in Bengal and Bihar and on an average there was a village school for every 63 boys. Mr. E. C. Beiley, C.I.E., writes, "The Muslims possessed a system of education which, however, is inferior to that which we have established but which yet was by no means to be despised and was capable of affording a high degree of intellectual training and polish and was founded on principle not only wholly sound but infinitely superior to any other system of education then existing in India. The system secured to the Mussalmans an intellectual as well as a material supremacy during the first 75 years of British rule. We continued to make use of the system as a means of producing officers to carry on the administration but in the meanwhile we have introduced a scheme of public instruction of our own and as soon as it trained up a generation of men in the new plan, we flung aside the old Mahomedan system and the Muslim youths found that every avenue of public life was closed to their face."

The late lamented Mrs. Annie Besant in her Kamala lecture describes in glaring terms the glorious system of education owned by the Muslims

in Bengal on the eve of the British rule. How that system supported and maintained by endowment of the value of 3 crores of rupees was destroyed: that story is very painfully told by Mr. W. W. Hunter in his famous book "The Indian Mussalman." I do not want to take much time of the House by quoting chapter and verses from that book. I end only by quoting a few lines from page 181 of that book. He goes on to say—"At an outlay of £8,60,000 upon redemption proceedings which commenced in 1828, an additional revenue of £3,00,000 a year was permanently gained by the State. A large part of this sum was derived from lands held rent-free by Mussalmans and by Mussalman foundations. Hundreds of families were ruined and the educational system of Muslims which was entirely maintained by rent-free grants received a death blow. The scholastic classes of the Muhammadans emerged from the 18 years of parrying redemption proceedings absolutely ruined." Sir, this shows how the glorious system of Muslim education established in Bengal was ruined by redemption proceedings.

Now, Sir, let me say what are the wants of the Muslims. My resolution urges all possible measures being taken for the rapid spread of education of all sorts amongst the Muslim population of Bengal. According to a statement made in this House in this session in reply to a question put by me on 30th September, 1942, it was stated that out of 2,604 scholarships and stipends in 1940 of the value of Rs. 7,37,499 only 840 of the value of Rs. 2,60,855 were reserved for Muslims. But, Sir, as I have said the valuable recommendations of the Momin Committee and the Madrassah Committee have not been given effect to and no comprehensive scheme has yet been drawn and put into operation; only spasmodic grants were made here and there. But this sort of grants in dribblets will not do. In Madras all poor Muslim students are admitted half-free in all recognised institutions and a large number of scholarships are reserved for Muslim students. In Bombay 22½ per cent. of Muslim students were exempted from paying fees, and 637 scholarships are reserved for Muslim students; 42 scholarships of Rs. 20 are reserved for Muslims in the arts colleges, 30 scholarships of Rs. 25 to Rs. 40 reserved for Muslims in the professional and technical colleges. In Bombay the percentage of Muslim population is 20 per cent. and in Madras 5 per cent. The scholarships reserved for Muslims there are much more than here in Bengal. In Sind 30 per cent. of the students are admitted free in Government high schools. Seven hundred scholarships are provided for Muslims. I find that during the last six years only 840 scholarships and stipends have been reserved for Muslims and Rs. 2,63,000 have been allotted out of a sum of Rs. 7,00,000. Sir, the percentage of Muhammadan education compares very unfavourably with those of the other provinces. On the plea of war emergency almost every important project has been stopped in our province. But when we look at England and other countries we find that without reducing a single pie on educational expenditure in spite of war emergency in some respects there has been an increase under head "Education." In Bengal the Muslim community have been crying for more facilities. The answer is

that owing to war emergency nothing can be done. We find that many Muslim meritorious students cannot proceed with their studies for want of funds——

Mr. DEPUTY PRESIDENT: Your time is up.

Mr. NUR AHMED: All right, Sir. I appeal to the House to accept my resolution.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council is of opinion that the Government of Bengal be urged upon to take all possible measures for rapid spread of education of all sorts amongst the Muslim population of Bengal.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, I rise to support the resolution which has been so ably moved by my honourable friend Mr. Nur Ahmed. He has quoted statistics to show that Bengal is lagging behind all other provinces so far as the Muhammadan education is concerned, although in point of population Bengal has the highest number of Muslim population in the whole of India. It is a slur on the Government of Bengal that even after the operation of provincial autonomy it has not been able to advance the Muslim education in such a way as to bring it at least up to the standard of other provinces. Sir, my friend has quoted all the relevant figures and I need not dilate on them. My friend's demand is a very modest one. In England we do not find that their educational expenditure has been reduced owing to war emergency. Out of the provincial budget of Bengal, only Rs. 1 crore was allotted for the current year for war, the rest being contributed by the Government of India. So, paucity of finance is only a plea. The Government has no definite and systematic plan as to how to raise the present standard of education among the Muslims. And not only this, Sir. Government is playing with this problem of education. That will not do. Government must show that it has got the capacity, imagination and determination to do something in the matter. Government should draw up a plan so that within 10 or 15 years the Muslim education of Bengal may so develop that it may come to the standard of Hindu education. It will be the sacred duty of the Hon'ble Education Minister to develop Muslim education up to the standard of the Hindus at least and I am sure that in this matter he will get the support also of the Hindu Ministers. All patriotic Hindus must wish that the Mahomedans should not lag behind; because, after all, the Hindus and Mahomedans are two wheels of one chariot. If one of the two wheels of the chariot is substantially lower than the other, the chariot cannot possibly proceed to its destination. With these words, I whole-heartedly support the modest resolution and I hope not only it will be accepted but a definite plan and programme would be made out so that within, 5, 10 or 15 years the Muslims may come up to the standard of the Hindus in all branches of education in this province.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also support this resolution. The resolution consists of two parts. The first part contains an expression of wish that Government should do everything that lies in its power to spread education amongst the Muslims. The second part implies that necessary funds should be supplied to implement this. So far as the resolution is concerned, it is a straightforward one. But it has got to be taken with its necessary implication, namely, that the mover should have no objection to include the education also of the Scheduled Castes and backward classes and other persons who have no education. If the Government is to move in the matter of spreading education, it cannot confine its activity for the benefit of one community or section only. All sections which are backward should be given education. The principal justification for a resolution like this in these days of democracy consists in the fact that democracy cannot succeed unless the people are educated. Unless our 6 annas voters know what exactly is required of them, the democratic institutions cannot at all function. There are various other academic reasons why education should be developed in an unrestricted manner. But I do not propose to inflict a long speech by recounting them.

The second part of the resolution tries to implement the proposal adumbrated in the first part. It will require funds. With regard to the funds, we are in a difficult position. War has entailed a very heavy strain on our resources, though it is quite true that the Government of India is finding the money for the major part of the expenses which are being incurred in connection with war. Still I feel that Government should spend money up to the limit of their capacity for spreading education. With these few words, I support the resolution.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Mr. Deputy President, Sir, I have had great regard for the mover of the resolution. For over 25 years we have been co-workers in the field of Muslim education, and I always listen with interest to whatever falls from the mouth of my friend Mr. Nur Ahmed on the problem of education. Sir, I remember the great contributions he made in drawing up the report of the Momin Committee to which a reference has just been made. I have noted what deep interest he has taken in the Bengal Madrassah Education Committee to which also reference has been made by him. I have listened with great interest also to the historical retrospect of Muslim education in the whole of India with special reference to Bengal that has been given by the honourable member; he has also shown that the condition of Muslim education in Bengal does not compare at all favourably with the condition in other provinces. On that point, Sir, I will not make any comment. I will only content myself by saying that the conditions in the other provinces are quite different, and therefore the educational grants and privileges enjoyed by the other provinces should necessarily be somewhat different. Now, let us take just one instance, namely, Madras, to which he has referred. He has said in that connection that the Muslims in Madras are getting super-generous treatment. But the reason for that may

be found in the fact that in Madras the percentage of Mussalmans is only 6, and therefore it was meet and proper for that Government to make special allowances for that community in order to enable them to march *pari passu* with the other communities in Madras. As Khan Bahadur Saiyed Muazzamuddin Hosain has rightly said, it is a matter in which the whole of India irrespective of community, caste or creed, should take a deep interest because a community which is found to be backward in this sphere would prove a clog in the field of administration. That is the principle upon which the Governments of Madras and Bombay proceed but things are quite different in Bengal. However, I will not dilate on this point. I will only say that Government is in full sympathy with the spirit of the resolution and subject to any administrative or other impediments that might arise in the pursuit of that policy under war conditions, Government will try their best to realise this hope. I therefore accept the resolution and so far as lies in the power of the Government, they will do their very best to improve the condition of Muslim education and give them further facilities to accelerate progress. This assurance I can very well give and I hope I shall be able to act up to my promise, with a Finance Minister who is himself a friend of education and who I believe in my heart of hearts will not grudge me anything that can be proved to be necessary and essential.

As regards the comment made by the honourable mover that as a matter of fact Muslim education is in a bad way in Bengal, my examination of the statistics in connection with the performance of my duty as Education Minister which I had undertaken reveals the fact that there has been much improvement in this line—at least more than ordinary improvement; in fact, in some quarters it is said that a more generous treatment has been accorded to the cause of Muslim education than the conditions would justify. From 1937 to 1941, I find that progress is gradually on the increase. As regards this year, I feel sore over the fact that I could not get the Rs. 40,000 which was budgeted for Madrassah education. That was due to financial stringency. The reason is this: a desire for all-round improvement in this department has driven us to the end of our resources. Therefore, I could not get the sum of Rs. 40,000 for Madrassah education which I hope I shall be able to recoup by additional grant next year. As regards the complaint that there is no scheme for Muhammadan education, I have already stated on the floor of this House some time ago in reply to a question of the honourable mover himself that the recommendation of the Momin Committee and the recommendation of the Madrassah Committee are already before me and I am examining them. I hope to formulate some scheme before the next budget session comes. (Voice of "thanks" from the Opposition Benches.) That was the assurance that I gave some time ago. I can tell the honourable members that during the whole of the ensuing Puja holidays, I was busy formulating some scheme and shall try to find out, of course taking into account the present war condition, as much money as I can. I shall make a minute study of some of the schemes formulated by those two Committees and then shall bring before the Government a comprehensive scheme. So, honourable members opposite may rest assured that so long as I am in charge of this department,

I will strain every nerve for the progress of education, as that has always been my ambition in life. So long I entertained pious hopes; but now Providence has placed me in a position in which I can do and shall do my utmost for spreading Muslim education before I retire from office and public life. I hope in view of this assurance my honourable friend will not press his motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If you are in favour of this resolution why not accept it?

The Hon'ble Khan Bahadur M. ABDUL KARIM: I am accepting it in principle.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Let it then be put.

The Hon'ble Khan Bahadur M. ABDUL KARIM: All right.

Mr. NUR AHMED: Sir, in reply to the debate I would say a few words. First of all, I should like to express my thanks to the Hon'ble the Education Minister for his very sympathetic and reassuring speech as regards the problem of spreading Muslim education. I have got the highest respect for him: he has been a veteran educationist all through his life. Sir, my resolution is a simple one: it does not commit the Government in any way. It merely says that all possible steps should be taken. If my resolution is accepted, I do not think that Government will be placed in a difficult position. Therefore, I appeal to the Hon'ble Minister to accept the resolution.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I accept it with full grace.

Mr. DEPUTY PRESIDENT: The question before the House is: that this Council is of opinion that the Government of Bengal be urged upon to take all possible measures for rapid spread of education of all sorts amongst the Muslim population of Bengal.

(The resolution was agreed to.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that this Council is of opinion that the Department of Industries should at once take up the manufacture of some of the principal articles which have hitherto been imported from Japan, Germany and Italy and for that purpose 10 lakhs of rupees be allotted in the next budget for helping the manufacture of such articles in Bengal.

Sir, industrialisation of Bengal is long overdue and there cannot be any difference of opinion about it. We know that the pressure of population on land has already become extremely heavy and the average area which a

cultivator gets is ·87 acre per head, of which the value of average gross produce is Rs. 42 according to the Land Revenue Commission Report, and the net value of produce is not more than Rs. 28. Thus, Sir, the average annual income of an agriculturist in Bengal is Rs. 28. Besides that, the number of landless labourers is very large and it is increasing phenomenally. The number of landless labourers is larger than the number of agriculturists, and the average income of these landless labourers has been found to be Rs. 12 per head per annum. Sir, the Land Revenue Commission went through this problem and said that the condition of the agriculturists and the agricultural labourers has been dismal in Bengal and something must be done to divert a part of the population by developing industries in the country.

Then, Sir, we have also the *bhadralog* unemployed class. Their number is increasing alarmingly day by day. If new industries are started in this country, new openings will be available for them. It is absolutely necessary for the people of this country that some sort of industries should be developed to give them employment. The heavy toll of deaths which Bengal is paying annually is largely due to the bad economic condition. Millions of people suffer from malaria due to mal-nutrition. They cannot get proper food. Half the population of Bengal have to live on half ration for six months in the year and yet the population is still increasing. So, unless there is some fresh opening, the situation will get worse day by day, and we do not know where it will stop. Very little has been done by Government so far, and the old antiquated policy of doing something here and something there without any definite plan is being followed even now. This, I submit, is playing with the problem. We do not want such playing. When provincial autonomy was introduced, we thought that some earnest steps would be taken to industrialize the country. But the Government has done nothing. I did not spare even the old Government of which I was myself a supporter. I criticised them for their negligence for not doing something towards the development of industries. But I am sorry to say that we could not move them. Now we have got a new opportunity for developing industries due to war. In ordinary peace time, we were getting many necessities of life from Japan and Germany and we could not compete with these people. But now they are out of competition. They are now enemy countries. We should now manufacture those articles which were so long being imported to this country from Japan and Germany.

I think, in this respect our European friends will support us because we are proposing to take up only those articles which used to be imported from the enemy countries hitherto. Sir, some concrete examples as to what articles we can take up, I should like to mention. Sir, chemicals are one of the very important articles, because on account of the war we have been hard-pressed for want of chemicals. These have ceased to come from Germany, and we do want that the development of chemicals in this country should now be taken up in right earnest. Then there are the cheap clothes, cheap toys and cheap silk clothes of Japan which hitherto flooded our

markets. We may undertake the manufacture of paper from water-hyacinth which has been found to be far cheaper than other materials hitherto used for preparing paper. The Nawab Bahadur of Dacca in answer to a question of mine had given an idea of the cost of producing paper from water-hyacinth. Unfortunately, I have lost that paper; otherwise I could quote it. As far as I remember, it was found that the cost of manufacture of paper from water-hyacinth is only 20 per cent. of the cost of ordinary paper now manufactured in our mills. These, and many other articles which it will be the business of the Industries Department to find out can be immediately taken up. We will probably be told that for the development of industries Government is doing a lot since the outbreak of war. They will say probably that they have got orders for over 3 or 4 crores of rupees. But these are unfortunately war articles which are required for war purposes, such as camouflage nets, hats and other things. These things will disappear with the war. These will not give incentive for the permanent development of industries. These will give employment for the time being but these do not satisfy our demand for industrial development. What we want is not a sporadic attempt for doing something towards industrial development; we want a cut and dried programme made out and methodically carried from beginning to finish, so that we may say definitely that in respect of these articles India is now independent and does not require any importation just as Russia had done in its earlier days. It decided on a five-year plan for manufacturing all iron and steel articles in the country, so that it might be independent of other countries in respect of the manufacture of iron articles. We should have a list of such articles prepared and we should take up their manufacture so that we can be independent in respect of them within a definite period. Sir, the Hon'ble Minister will probably refer again to the Industrial Committee which has been sitting in this country for more than 3 years. They will perhaps say that unless we get the recommendations of the Committee we cannot do anything; but by the time we get the report of the Committee, probably the war will cease and the present opportunity lost. We do not want to lose this opportunity. We should take time by the forelock and see that something definite is done towards the industrial development of the country. I believe no one who claims to be a patriotic Bengalee can oppose a modest resolution like the one I have moved. Our European friends will also not oppose a resolution of this nature, because I have worded it in such a way that it will not clash with their interest. I have recommended the manufacture of only those articles which used to be imported from enemy countries.

Then, again, an objection may be raised on the ground of finance. I have said that a sum of ten lakhs should be ear-marked in the next year's budget for industrial development on definite and systematic lines. Allotment of money may be objected to probably, but I say in reply to that objection that if Bengal were an independent country it would not have been sitting idle for so long even under the present circumstances. Sir, we have been given an autonomous Government, and at least so far as our industries are concerned, we ought to be able to find out the ten lakhs of

rupees by begging or borrowing; we must find this money and give these industries some start with some definite plan, so that after five years we may become independent of imports from these countries. The question of finance, therefore, should not stand in the way if we are really earnest and honest in the matter of the industrial development of this country. With these words, I commend my resolution to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council is of opinion that the Department of Industries should at once take up the manufacture of some of the principal articles which have hitherto been imported from Japan, Germany and Italy and for that purpose 10 lakhs of rupees be allotted in the next budget for helping the manufacture of such articles in Bengal.

Mr. HUMAYUN KABIR: Mr. Deputy President, Sir, I am entirely in sympathy and agreement with the intention and general purpose of the motion which has been moved so ably by my honourable friend, Khan Bahadur Saiyed Muazzamuddin Hosain. With him I also agree that this is an opportunity of which the Government of Bengal, the people of Bengal and in fact Indians generally, should take advantage. His statement that a sum of rupees ten lakhs is not very much for the proper development of the economic resources of this country is also quite true; but where I do differ from him is that, to my mind this motion is to some extent ill-timed. If I might venture to refresh his memory, I may say that about five years ago at the time of the discussion of the second budget that was placed before this House, I made similar suggestions. Heavy chemicals and textiles were the two industries on which I laid very great stress, and requested the then Government to take up the development of these two industries at that time so that the economic and the industrial life of the province might be placed on a sound basis. Even at that time, from the way international events were moving it was clear that a conflagration could not be long postponed; and some of us who feared that that catastrophe might envelop our country as well, thought that that was the time when the resources of the country should be consolidated and all available resources utilised to strengthen the development of the industries in such a way as to enable us to withstand the storm that was bound to break upon our country sooner or later. But, Sir, at that time our words went unheeded even though I must say that the honourable mover of the present resolution lent his support and voice to my resolution, and nothing substantial was done.

Today, however, the conditions are different. If we want to develop the textile industry and the heavy chemicals industry, the equipments necessary for the development of those industries would not be available. All the equipments necessary for the purpose are imported into this country and this is worked now-a-days under many restrictions and under a rigorous quota system. This Government has no control over the restrictions and I doubt very much if even the Government of India have much control. I

would ask the honourable members to remember about the Roger Mission. I forget the name at the moment but am referring to the Mission from Australia and Canada which reported on the development of industries in the different parts of the British Empire. They recommended that it was not necessary that every part of the British Empire should be heavily industralised. They recommended that it was desirable that heavy industries should be concentrated in Australia and Canada and it was considered that India should content herself with merely producing some essential raw materials, food, and other basic materials, so that India's Imperial trade might prosper. Therefore, these questions which are raised by this resolution, with which I again repeat I am entirely in agreement, raise other questions which take this matter outside the purview of this House.

I entirely agree that this opportunity should be taken for developing our textiles and heavy industries on a much larger scale. I entirely agree that this opportunity should be taken for the development of the basic machine production industries. We should have developed our heavy chemical industry, which is today practically the basis of industrial life in its different aspects, on a much larger scale. But this can be done only through the capture of political power and the realisation of Indian independence. Unfortunately, there were some political conditions—some political party—which acted as a bar and which prevented the attainment of national Government which is an essential pre-condition to the full and free development of industries. I respectfully submit that the party to which the honourable member belongs is in some ways responsible for this condition of things and that is one of the reasons why our problem of industrialisation has not been solved. That party, Sir, contributed to the impediment in this respect and that party was more responsible for the political deadlock than any other political party or group of this country.

Now, Sir, while I agree with the honourable mover that steps should be taken to develop certain industries of this province and that all possible pressure that we can bring to bear upon the Government of Bengal should be brought upon them, at the same time I would appeal to my friends opposite to see that their party should not put impediments in the way of the development and advancement of Indian freedom. It is quite clear that without a greater control over governmental machinery nothing can be done for the development of the various industries of this country. Therefore, my appeal would be just as earnest as that of the honourable mover to all sections of the House to accept the resolution and I think this resolution will be carried. There is nothing in it to which objection can be taken.

The resolution wants that principal articles manufactured by the enemy countries should be manufactured here—but why only articles manufactured by the enemy countries? I would go further than that and would say, articles manufactured in other countries. In his resolution the honourable mover has made an attempt—shall I say at hoodwinking? But that is too harsh an expression—to allay the suspicion of the European Group by

mentioning specifically that principal articles hitherto imported from Japan, Germany and Italy should only be manufactured in Bengal. My friends of the European Group are thus assured that it does not touch the articles imported from Great Britain and other parts of the British Empire. But there is no reason why Great Britain and other Imperial countries should not want a share in the supply of articles used to be imported from enemy countries and on the other hand, there is no reason why we should not ourselves produce articles now imported from Great Britain or the Dominions.

In our country we want development of all industries. We should replace articles not only imported from Japan, Germany and Italy, as the resolution provides, but also articles imported from Great Britain and other countries, by manufacturing them in our own country. We have natural resources in our country and they should be developed. Take, for example, the production of machinery. We have ample raw materials to do this: it may be a very long time, it may be 10 or 15 years, before we can produce machinery and it may be that we may now get it more economically from Great Britain and other industrialised countries of the world. But in the long run it will be profitable to have the machinery produced in our own country. The position is that we have natural advantages. Let us take a single example and examine it on its merits. I refer to the cotton textiles of Lancashire. The raw material is supplied from abroad and the cotton textile comes from Lancashire. From the point of view of raw materials and of climate, all the advantages are with India. It is not tenable even for a moment that if this industry is developed here, cotton textile would not be a profitable industry in India. Therefore, Sir, I go further than what is said in the resolution and say that we want the industrial life of this country so developed that whatever industries can profitably be developed here should be so developed and that for this purpose no distinction should be made as to articles imported either from enemy countries or from the British Empire. Therefore, Sir, as I said at the beginning, so far as the general purpose of the resolution is concerned, I am entirely in agreement with the honourable mover. We regret that more was not done before this war burst upon us. But I do not think he will disagree that today the economic resources of the allies are so hard-pressed and shipping space for import of necessary machinery is so restricted, that large-scale industrial development is very difficult, perhaps impossible, without Indian independence. I do not think that this resolution is well-timed or is very easy to carry into operation without the capture of power by the Indian people. I hope his party will not any longer stand in the way of the advancement of Indian freedom, but will co-operate in bringing all the power that is possible to the people of this land and will demand real national Indian Government. This alone will help in the industrialisation of India for without Independence here and now, this cannot be achieved. Let his party, therefore, work for Indian independence—independence which is being postponed to some distant date—beyond the duration of the war. I think in so doing he will have support of all members of this House.

Mr. KADER BAKSH: Sir, first of all I must say that Mr. Kabir looked at the resolution from a very wrong point of view (Mr. HUMAYUN KABIR: He always does it). He accuses the patry to which I have the honour to belong.

Now, Sir, Mr. Kabir has said that this resolution is ill-timed. I submit, Sir, that nothing is too late. If it has been late, let us forget that it has been taken up late. If he is a lover of the freedom of this country, if he has the best interests of the country at heart, he should have said, "we are late but let us begin in right earnest." But instead of that he accuses a party with which he cannot see eye to eye. About five years ago his motion regarding industrialization of the country was not adopted by this House and now he seems to be smarting under a very deep sense of sorrow that that resolution was not passed at that time. Perhaps the late Ministry did not accept his resolution. Be that as it may, Sir, if he is a lover of his country, if he is a lover of freedom, he should act now in right earnest to see that our industries are developed. But he says that the Muslim League is putting impediments to the attainment of the freedom of India. Sir, I refute this charge most emphatically. This charge is uncharitable and unsympathetic. Indeed, it is a profanation to say that the Muslim League is an impediment to the attainment of the freedom of this country. Mr. Kabir should know well that the party to which I have the honour to belong is not less anxious for the attainment of freedom, and Khan Bahadur Saiyed Muazzamuddin Hosain is in no way less earnest than any member in this House, whoever that member may be, for the attainment of *swaraj* or freedom of this country. We have given enough proof in this behalf and the Khan Bahadur has also given proof of this desire sufficiently in this House. Sir, it is not only a very strong word, rather it is an abuse of language to attribute to any party in this House the charge that it is an impediment to the attainment of *swaraj*. Now, Sir, mere putting on a Khaddar neck-tie is not an indication that he has the highest desire for the attainment of *swaraj* in this country. Sir, the members of Muslim League party here are as much anxious for the attainment of *swaraj* as any one else in India.

Sir, he has taken objection to another word in the resolution where it is said that those articles which used to come from the enemy countries, should be manufactured here. But, Sir, let us first begin with these articles. He says he is an ardent fighter for the freedom of this country. Then, he should support this resolution unreservedly. There is nothing in the resolution to which he can take objection. It speaks only of the industrial development of the country. No sincere friend of the country can oppose the motion or say that the present time is not favourable for implementing a resolution like this. Who does not know that even under more unfavourable circumstances industries are being developed in all countries of the world? Now we are in distress and our people, as Khan Bahadur Saiyed Muazzamuddin Hosain has said, are getting no employment. The question of unemployment is becoming keener and keener daily and we must take steps so that they may not be totally extinct. So, I want to tell my friend Mr. Kabir that his speech against the resolution—though,

Sir, in a clever way he wanted to support the resolution,—was rather uncharitable and impolitic. With my whole heart, without any restriction whatsoever, I support the resolution that has been so ably moved by my leader, Khan Bahadur Saiyed Muazzamuddin Hosain.

Khan Sahib ABUL QUASEM: Sir, I rise to accord my support to the motion that has been moved by the Leader of the Opposition. The resolution is confined to our province of Bengal with which we are concerned in this Legislature. It is a very modest resolution the Khan Bahadur has tabled with respect to the requirements of the province of Bengal. His field is limited, because we are not here legislating or taking measures for the whole of India. We are only proposing something which concerns Bengal and which in the opinion of the Khan Bahadur is quite feasible. All that this resolution proposes is that the Department of Industries of Bengal should take up the manufacture of those articles which used to be imported from certain foreign countries and for this purpose a sum of money—Rs. 10 lakhs—should be provided for helping such manufacture. Well, Sir, so far as the practicability of this motion or its impracticability is concerned, every one has got the right to an expression of opinion. There cannot be any two opinions about the desirability of manufacturing these articles on which Bengal has to depend upon imports from abroad. The Khan Bahadur in supporting his motion laid stress on the importance of a clear-cut plan, a well-thought-out plan, a plan which to use his language, should be systematically put into effect. There is undoubtedly an absence of such a plan so far as the Industries Department is concerned, and every member in this House has got a right to criticise the absence of such a plan on the part of the Department of Industries and Khan Bahadur has rightly criticised the lack of such a plan. Soviet Russia has worked wonders by adopting plans which they have carried out whole-heartedly, enthusiastically and zealously. The result is seen in the magnificent resistance which Soviet Russia is offering to the mightiest military machine that human ingenuity could build, namely, that which is being used by Germany. The Khan Bahadur has deplored the absence of such a plan and has asked that there should be such a plan and that it should be acted up to systematically. And in this behalf he proposes that a sum at least of ten lakhs of rupees should be allotted in the next year's budget. This, Sir, is the recommendation he proposes in his resolution. Every one certainly has got the right to express his views as to the practicability or impracticability of his proposal. I can understand that. But my honourable friend Mr. Humayun Kabir, a distinguished scholar and teacher of whom we are so justly proud, has chosen to inflict upon us a political homily under the cover of speaking on this motion. Sir, I can understand him as a scholar and as a teacher. I have nothing but the deepest respect for him as such, but he is also playing the part of a politician. Well, Sir, when a professor and scholar becomes a politician, I do not know if politics gains or the professor suffers. I have my doubts about the utility of a professor and scholar dabbling in politics. A scholar should primarily confine his activities to the sphere where he can do things which are not ephemeral but permanent, to do things which add to

the sum total of people's knowledge and I believe Professor Humayun Kabir is endowed with talents in this behalf. But, Sir, here time which should have been devoted to the lasting good of mankind is being devoted to the exigencies of the situation of a particular political party. I do not wish to quarrel with him; he has got his own freedom of choice; but then he has chosen to inflict an attack upon the great All-India Muslim League, to which we of the Opposition have the honour and the pride to belong, when he says that the Muslim League is now acting as an impediment to the political progress of India, to its emancipation. Sir, he says something which is an utterly unfounded lie; it is a lie unfounded, utterly unfounded. (Interruptions) if he has got any conception—I do not yield to Mr. Kabir: let him have patience——

Mr. HUMAYUN KABIR: On a point of order, Sir. A member is certainly entitled to make any statement he likes but if an honourable member uses language which is not only grossly unparliamentary but also goes beyond the dictates of ordinary civil discourse, then I think I can appeal to the Chair to see that here we observe at any rate civilized forms of speech.

Mr. DEPUTY PRESIDENT: Are you referring to the word "lie"? I may say at once that that is an unparliamentary word.

Khan Sahib ABUL QUASEM: Well, Sir, if that is so, I shall not say that it is a lie but that it is a "terminological inexactitude." If anything could ever be characterised as a terminological inexactitude, that has been given expression to by Mr. Humayun Kabir. Now, to come to the main resolution. Sir, this is a matter, a very limited matter, relating to the industrial progress of the province of Bengal and therefore I do not know why Mr. Kabir drags in controversial, highly controversial politics into this matter. I would certainly not have intervened in this debate but for his gratuitous and uncalled-for attack upon the great Muslim League. He has made gratuitous remarks——

Mr. HUMAYUN KABIR: On a point of order, Sir. Is a member entitled to cast any reflection on the Chair? If I were irrelevant, it was the duty of the Chairman to call me to order; but since you, Sir, permitted me to speak, I do not think any member is entitled to say that I made gratuitous remarks, for "gratuitous" means that which is not called for, not necessary, and therefore, irrelevant. The meaning of the word "gratuitous" is something which does not come in and which has been brought in by force and in other words it is irrelevant; and I submit that the honourable member has no right to use that word. He has used words, Sir, which should not be used in this House——

Khan Sahib ABUL QUASEM: Sir, I submit, every one has got a right to criticise the speeches delivered in this House and I am making a legitimate criticism. It is perfectly legitimate according to me and I am

giving expression to the opinion, to which I am perfectly entitled, about the speech delivered by Mr. Humayun Kabir. I do repeat that it is gratuitous and he has no right to make such untrue allegations against the Muslim League.

Now, Sir, coming to the resolution itself, it is quite a modest resolution relating to the industrial progress of the province. But in critising it Mr. Humayun Kabir suddenly made the Muslim League, to which I have the honour to belong, responsible for the non-development of the industries of India, because according to him it is the Muslim League which is responsible for the present political deadlock, as he used the expression just now. May I most humbly ask Mr. Humayun Kabir to which——

Mr. NARESH NATH MOOKERJEE: Sir, on a point of order. Are we discussing Professor Kabir or the resolution before the House. The honourable member is deviating from the subject under discussion.

Khan Sahib ABUL QUASEM: I have every right to criticise the speech delivered by Mr. Humayun Kabir, though according to Mr. Naresh Nath Mookerjee it may not be relevant——

Mr. NARESH NATH MOOKERJEE: Sir, is it relevant?

Khan Sahib ABUL QUASEM: It is perfectly relevant. I have every right, representing as I do the Muslim League, to criticise Mr. Humayun Kabir, when he found fault with the Muslim League in his speech. I belong to a party—the Muslim League—a very big party—it is not a small party like the Krishak Praja Party of Bengal—it is a party which represents one hundred million Muslims of India. He, Sir, has no place in the body-politic of the Muslim——

Mr. NARESH NATH MOOKERJEE: Sir, are you going to allow this sort of discourse? This is irrelevant digression.

Khan Sahib ABUL QUASEM: Mr. Humayun Kabir is responsible for this irrelevant digression and I have every right to reply to that digression. I say that the real cause of this political deadlock he will find, not in the activities of the Muslim League Party, but he will find it elsewhere, in some other party—the party which has declared that India belongs to one community namely, the Hindu community and if any other community wants to live in India they will have to live on terms offered by the Hindu community. We have been told in clear and unmistakable language that India is Hindus' land—Hindusthan. We have been told that we must learn to be content with the Ganges water instead of the *Zamzam* water. That is, Sir, the idea of that party. And do they really expect that the hundred million Muslims will submit to it? The Muslims stand for the freedom of all peoples dwelling in this sub-continent of India—for themselves as well as for others. The Muslims are determined to have sovereign

states for themselves in regions where they are in a majority. Who is responsible for this political deadlock? It is certainly not the Muslim League—it is the Hindus, the chauvinistic Hindus——

Mr. DEPUTY PRESIDENT: Order, order. If Mr. Humayun Kabir has said anything about the Muslim League, I think you have no right to cast any reflection on the Hindu community. It is quite irrelevant.

Khan Sahib ABUL QUASEM: I submit, Sir, it is not irrelevant. I was saying that the deadlock is not the creation of the Muslim League——

Mr. DEPUTY PRESIDENT: But what has that got to do with the Hindu comunity?

Khan Sahib ABUL QUASEM: Sir, I am referring to the Hindu Mahasabha organisation and the public pronouncements of the leaders of that body. They are public property and it is open to any member to criticise other members——

Mr. DEPUTY PRESIDENT: Order, order. It is unnecessary to tell you that it is expected of honourable members to confine their remarks to the subject under discussion as far as possible. Hourable members should not indulge in freely criticising other honourable members. I expect you to observe parliamentary conventions and allow the proceedings of the House to go peacefully and not to generate unnecessary heat.

Khan Sahib ABUL QUASEM: I would have confined myself to the subject under discussion if Mr. Humayun Kabir were not allowed to make those remarks.

Mr. DEPUTY PRESIDENT: If you have got to say anything you must confine yourself to the subject under discussion.

Khan Sahib ABUL QUASEM: Sir, the deadlock has not been created by the Muslim League Party but it has been created by other parties. The Muslim League Party desires freedom for all Indian peoples, Muslims as well as Hindus. It does not desire freedom for one particular section at the cost of others.

Sir, I whole-heartedly support the resolution.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: My friend Khan Bahadur Saiyed Muazzamuddin Hosain has provided us with an opportunity for discussing the possibilities of industrial development in this province. That the country in general and this province in particular is industrially very backward, none will deny. It was expected that the war will stimulate the manufacture of many articles which in peace-time were being imported from outside, particularly from countries like Germany and Japan. It is

unfortunate, Sir, that the Government of India, which could have taken the initiative in the stimulation of industries, has proved very unhelpful in this field. We know the attitude which it took up in respect of the manufacture of automobiles in India.

Although, Sir, the resources of a Provincial Government like that of ours cannot cope with the financial demands of a large industrial concern like that of an automobile factory, I believe, that in smaller spheres the Provincial Government may still do much by way in helping in the manufacture of many articles consumed in this province. In peace-time, people would purchase and use many articles without even enquiring as to the country of their origin. They would take them without hesitation as part and parcel of their life. As, however, the war proceeded, it was brought home to them as to how dependent we were not only for our smaller luxuries but also for many of the necessaries upon foreign countries. This sense of dependence is certainly, in my opinion, an excellent factor for the stimulation of national industries. This sense, instead of creating a feeling of helplessness, ought to have been exploited for creating industries of our own.

Every one in the mufassil and many in the towns know the utility and the necessity of lanterns. They were being imported to India partly from the United States, partly from Germany and to a large extent from Japan. The cheaper lanterns were mostly being imported from Japan. Every one knows how the declaration of war in September, 1939, became responsible for the shooting up of prices of these articles and how the extension of the conflict to the Far East made these articles really unavailable in the market. It is very unfortunate, I may repeat, that there is no establishment in this province for the manufacture of these lanterns. The process is not very difficult nor would a factory started in this connection involve a very heavy expenditure.

There is another article of every-day use to which, I may refer, I mean parasols and umbrellas. The price of these articles has shot up by nearly 100 per cent. This is mostly due, Sir, to the fact that the particular type of cloth which is necessary for making umbrellas is not available in this country. Its manufacture might easily be undertaken on an extensive scale in India. Here also the opportunity which has been provided by the war should on no account be missed. It should be utilised for placing a new essential industry in this country on a satisfactory and stable basis.

I should also refer to the importation of dolls and other play things for children imported in huge quantity both from Japan and Germany. These articles are fancy and attractive and at the same time not very costly. But all the same the amount of financial drain from this country on this score is huge. It might be stopped at least largely and a new industry may be stimulated in this province, if the manufacture of dolls might have been undertaken on new lines here. In Krishnagar and other places in Bengal such articles had been manufactured on old lines and a large body of people made their living out of it. I do not mean, Sir, that these old industries should be in any way discouraged. But I am certain that even on cottage

scale much could be done by way of manufacturing the fancy articles which are imported from outside. Examples of this kind may be multiplied to any extent. But, I believe, Sir, I have already referred to some which may convince the Government that there is an excellent opportunity provided by the war for the stimulation of new industries in Bengal.

The question, of course, will arise as to how the Government may move in the matter. It is not, in my opinion, essential that the Government itself should be responsible for starting and managing these industries on its own account. The State Aid to Industries Act is on the Statute Book. This Act has been worked so far in a very conservative manner. I believe some of its provisions may be so altered as to make the Government position *vis-à-vis* the provincial industries one of real initiative, control and supervision. Our capital as well as our enterprise have been found to be rather shy, particularly in respect of new industries. In view of this without the Government initiative it cannot be easily possible to undertake the manufacture of the articles to which I have referred above. The Government should not only find men who may be interested in the starting of these industries, but these men should be given financial assistance, both by loans as well as by subvention. The marketing facilities should also be provided in every way possible. I believe that if serious efforts are made by the Government, the face of the province may certainly be changed. But to this end we require men in the Department of Industries with proper vision and outlook. With these few words, Sir, I give my general support to the resolution.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, a public meeting has been convened at the Calcutta University Institute Hall today to condole the death of our late President. This meeting will be presided over by the Chief Minister and most of the members of this House are anxious to attend the same. As the meeting will be held at 4-30 p.m., it is high time that the proceedings of this House should come to an end.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We are of the same opinion.

Mr. DEPUTY PRESIDENT: May I take it that it is the desire of the House that under the circumstances, as stated by the Leader of the House, we should adjourn today's business a little early? (Cries of yes, yes.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Before you adjourn the House, may I request, Sir, that the next meeting should not be held before Tuesday next? Tomorrow is Kali Puja and day after tomorrow comes the Diwali festival. As a matter of fact, two days are generally provided in the Government holiday list; but this year owing to Sunday falling, one day has been allowed. It will be very inconvenient for the members to come down to Calcutta to attend the Council on Monday next. I would request you, and through you the Leader of the House, to adjourn the House till Tuesday next.

Sir BIJOY PRASAD SINGH ROY: I entirely support the suggestion made by Raja Bahadur, because tomorrow is the immersion ceremony and then there is another Hindu festival on Monday. Many people will be going home, and it might be difficult for them to come back to attend the session on Monday. I think the Leader of the House will agree and you will take into consideration the proposal made by the Raja Bahadur.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I am sorry I am unable to agree to the proposal. Government programme has already been fixed. Therefore, I cannot accede to the proposal of my honourable friends.

Sir BIJOY PRASAD SINGH ROY: It is an appeal made to the Government on behalf of the Hindu community.

I am perfectly certain that the majority of the Hindu members hold the same view. I hope the Hon'ble the Leader of the House will take this fact into consideration before he turns down this request.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On behalf of my party, I may say that we have no objection to the proposal, and trust that this concession will be shown to the Hindu members of the House.

The Hon'ble Khan Bahadur M. ABDUL KARIM: In view of the almost unanimous desire of the House, I will take the responsibility upon myself of communicating with His Excellency the Governor for his approval of the suggestion endorsed by all sections of the House.

(MANY HONOURABLE MEMBERS: Thank you.)

Mr. DEPUTY PRESIDENT: The Council now stands adjourned till 2-15 p.m. on Tuesday, the 10th November.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 10th November, 1942.

Members absent.

The following members were absent from the meeting held on the 6th November, 1942:—

(1) Mr. Altaf Ali.
(2) Rai Bahadur K. C. Banerjee.
(3) Mr. S. C. Chakraverti.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. N. C. Datta.
(8) Mrs. K. D'Rozario.
(9) Mr. K. K. Dutta.
(10) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(11) Mr. K. L. Goswami.
(12) Mr. Mohamed Hossain.
(13) Khan Bahadur Mohd. Asaf Khan.
(14) Maulana Muhammad Akram Khan.
(15) Sir T. Lamb.
(16) Mr. J. McFarlane.
(17) Dr. R. K. Mookerjee.
(18) Mr. T. B. Nimmo.
(19) Mr. R. Pal Chowdhury.
(20) Dr. K. S. Ray.
(21) Mr. S. N. Sanyal.

BGP-42/3-9232A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 17.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 10th November, 1942, at 2-15 p.m., being the seventeenth day of the Second Session of 1942, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

39. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Birendra Kishore Roy Chowdhury): Will the Hon'ble Minister in charge of the Civil Defence and Co-ordination Department be pleased to state——

(*a*) if the slit trenches in Calcutta are usable by the public at the present time;

(*b*) if not, whether the Government will see that these trenches are refilled; and

(*c*) if it is not a fact that the slit trenches in their present conditions have become the breeding ground of mosquitoes causing malaria in the city?

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN (on behalf of the Hon'ble Mr. S. K. Basu, Minister in charge of the Civil Defence and Co-ordination Department): (*a*) In most places they are not usable.

(*b*) Filling-in the trenches has been considered but it has been rejected; such a course would be very costly, and the re-excavated trenches would not be satisfactory.

(*c*) It is probable that mosquitoes are breeding in many trenches: every effort has been made to obtain some prophylactic to prevent such breeding but there is none available.

Adjournment Motion on police-firing at Kishoreganj.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, before you give your ruling on the point of order raised in connection with the motion for adjournment regarding the incident at Kishoreganj, may I request you to kindly postpone your ruling till the return of the Hon'ble

Chief Minister from Delhi? He has gone there, Sir, on some important official business and is expected to come back on Tuesday next. Before leaving Calcutta, he had been to Kishoreganj himself and received both official and non-official versions regarding this incident. He has still been receiving information from both official and non-official sources and some enquiries are still being made. He desired me to inform you that he would like to make a statement with regard to this incident before a ruling is given by you. So, on his behalf I would request you to postpone the ruling on the adjournment motion till Tuesday next. Moreover, I submit that the matter is *sub judice*: the police has submitted charge-sheets in the case. But in spite of that, for the satisfaction of the House, the Hon'ble Chief Minister will make a statement dealing with all the relevant facts so that the mover of the motion may, after hearing the statement, not press his adjournment motion. So, I would request you to postpone this matter till the Hon'ble Chief Minister's return from Delhi.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of information, Sir. Is the House going to continue up to Tuesday next when the Chief Minister is expected to return from New Delhi?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I am not in a position to make any definite statement today as to whether the House will continue up to Tuesday next.

Mr. KADER BAKSH: Sir, on a point of information. If the House does not continue till Tuesday next, then what will be the fate of this adjournment motion? Will it go by default?

Now, Sir, the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan says that the adjournment motion may not be pressed today. I do not understand what he means by "not pressing". Does he want us to withdraw the motion? It relates to a matter of very urgent public importance and cannot be kept pending *sine die* or even for more than 48 hours. If it is not pressed today, the motion will lose its urgency and objection may also be taken by the Hon'ble Ministers then that the motion has defaulted by lapse of time. So, I want your definite ruling on this point.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, so far as the question of urgency is concerned, no objection will be raised on that ground if the motion is postponed for a week or so.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, the very fact that the Chief Minister has said that he will make a statement in this House after his return from New Delhi shows that the House will continue to sit up to that time. Certainly, he proposes to make a statement in this House and not outside it.

Mr. DEPUTY PRESIDENT: Is the Hon'ble the Leader of the House in a position to enlighten the honourable members as to whether or not the present session is going to continue up to Tuesday next?

Khan Sahib ABUL QUASEM: Sir, before the Leader of the House makes a statement on the subject, may I ask a few questions——

Mr. DEPUTY PRESIDENT: I will give you opportunity to ask your questions later on. I am going to enquire of the Hon'ble the Leader of the House as to whether the House will continue to sit up to Tuesday next.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, as I have already submitted, I am not in a position to make a definite statement as to whether the House will continue up to Tuesday next. But if the Chief Minister has expressed his desire that he would make a statement on Wednesday next, then certainly the matter will have to be seriously considered.

Khan Sahib ABUL QUASEM: Sir, with your leave, may I say a few words? One Hon'ble Minister says that the Chief Minister has been away to New Delhi on a very urgent public business and that he desires that you will be pleased to give your ruling on the point of order raised in connection with the adjournment motion on the Kishoreganj incident after he has made a statement on Tuesday next in this House on his return from New Delhi. Now, Sir, another Hon'ble Minister, who happens also to be the Leader of the House, says that he is not sure whether the Council will sit till Tuesday next. This is most confusing; the two statements are contradictory. Government should clearly state what are their intentions in this matter. Two Ministers make two contradictory and conflicting statements. Sir, you are the guardian of the rights and privileges of the House and I appeal to you to have a clear and unambiguous statement on this matter from the Hon'ble Leader of the House.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, the position is this. If the Primary Education Bill is finished by Thursday, *i.e.*, day after tomorrow, the House will be prorogued that day. But if the Bill is not finished, we go on till the next week. In that case it may be possible for the Chief Minister to come back from Delhi and make the statement. This is the position. It is now for the Opposition to say whether they feel that the Bill can be finished by Thursday, including its Third Reading.

Mr. NUR AHMED: We are likely to reach the Third Reading stage on Monday next.

Mr. LALIT CHANDRA DAS: Monday and Tuesday are Government holidays.

Khan Sahib ABUL QUASEM: Sir, this also leaves us where we were. The Chief Minister evidently desires to make a statement on his return from Delhi. The Government, without consulting what the actual position is, are making two statements. Are they serious? I wonder who is serious, —the Leader of the House or the Chief Minister. The Leader of the House uses the word "if". We are not satisfied with "ifs" in regard to a definite and urgent matter of public importance like this and it is the privilege of the House that this matter should be taken on the floor of the House before the House is prorogued.

I appeal to you, Sir, as the custodian of the rights and privileges of this House to see that discussion of this motion for adjournment is not prevented by reason of this shifting policy on the part of the Government. Government do not seem to be sure of their own ground. They say that if a certain business is disposed of by Thursday next, the House is going to be prorogued. That comes into conflict with the statement made by the Hon'ble Khan Bahadur Hashem Ali Khan that the Chief Minister proposes to make a statement on Tuesday next. The first statement conflicts definitely with the categorical statement of the Minister in charge of the Co-operative Department. There are so many "ifs" in these two statements that we find it very difficult to form any definite conclusion. Therefore, we in the Opposition do want to have definitely and positively an assurance that the House is going to sit till Tuesday next to enable the Chief Minister to make his promised statement. Otherwise, we shall insist on moving each of the three adjournment motions.

The Hon'ble Mr. SANTOSH KUMAR BASU: Sir, the position as envisaged by Khan Bahadur Abul Quasem——

Khan Sahib ABUL QUASEM: I am not a Khan Bahadur, Sir. The Hon'ble Minister ought at least to know that.

The Hon'ble Mr. SANTOSH KUMAR BASU: Well, you may expect a lift very soon.

Khan Sahib ABUL QUASEM: I do not expect that; nor do I hanker after that.

The Hon'ble Mr. SANTOSH KUMAR BASU: Well, Sir, the Khan Sahib says that the position taken up by the Government is problematic. I do not think he is justified in making that observation. Government cannot possibly take upon itself the attitude that although the ordinary business of the House is concluded and the session runs out its normal course, we shall at considerable public expense keep the session going on for the purpose of enabling a particular item of business to be taken up next week. The Hon'ble Leader of the House has made this perfectly clear. If the business which is on the Order Paper is continued for the rest of this week and is not concluded, then certainly there will be another sitting during

the next week. If, on the other hand, the business is concluded by this week, nobody can guarantee that for the purpose of discussing this motion alone the House will sit once again next week. That is the position which the Hon'ble Leader of the House has made perfectly clear on behalf of Government and there is no ambiguity about it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What about the statement of the Hon'ble Khan Bahadur Hashem Ali Khan?

The Hon'ble Mr. SANTOSH KUMAR BASU: Well, Khan Bahadur Hashem Ali Khan has said that the Hon'ble Chief Minister is away on an urgent and important public business at New Delhi and has expressed a desire after his return to make a statement on Tuesday next, provided the House is in session till then. By this he cannot be meaning that if the normal business before the House is finished, only for the purpose of this adjournment motion the House will be called to sit next week. There is no ambiguity about it either. It is perfectly clear and reasonable: I mean the attitude taken up by both my honourable colleagues. Now the question is: whether it can be expected that the consideration of the Primary Education Bill will be over by this week. My general appreciation of the situation, as I can understand from the Opposition, is that the Bill cannot be disposed of finally by Thursday and that as such the session is bound to be prolonged into the next week. If the adjournment motions are taken up today, they will take the whole of the day and we are bound to have sittings during the next week in consequence. If, on the other hand, the adjournment motions are not taken up today, there is likelihood of the current business being over by Thursday, although some of my friends are telling me that even then it is not likely that the Bill will be finished by Thursday this week. So, under these circumstances, all that the Government can do at the present moment is to give a guarantee that they will not raise any objection on the ground of urgency in respect of this adjournment motion if and when it is taken up on Tuesday next, provided the House continues to sit till then.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Otherwise, the statement may be made next session!

Mr. NARESH NATH MOOKERJEE: Sir, in connection with the passing of a Bill, the Third Reading is a very important stage and we have in this House invariably set apart a separate day for this. There are still 50 amendments at least to be gone through and it is not likely that they will be finished in the next three days. And even if we do finish the amendments by Thursday next, we shall not be in a position, as has been rightly suggested by the Opposition, to take up the Third Reading of the Bill on Thursday, since that would break the convention we have created in this House of not taking up the Third Reading on the day that the amendments are finished. In the normal way, the Third Reading of the Bill will have to

be left over till early next week. Now, Sir, it is for you and the Leader of the House to decide whether you will continue till next week or conclude this week.

Mr. KADER BAKSH: Sir, I regret very much to say that the way in which the Hon'ble Mr. S. K. Basu has put the case is more misleading than the two Hon'ble Ministers who spoke before him. We do not want to be misled on a matter like this. It is our privilege to know exactly whether there would be any sitting next week or not. It is our privilege and we must know whether we will be allowed to move this adjournment motion before the present session concludes. In the first instance, we do not know if the Hon'ble the Chief Minister will return on Tuesday. Even if he returns on Tuesday, we do not know whether any statement will be made or not and yet we are being deprived of our right to move and discuss this motion. The motion is very important and it is in the public interest that it should be moved. So, we should never allow ourselves to be deprived of the privileges which have been given to us by law. The Hon'ble Minister says that if the debate does not conclude on Thursday and if the session continues till the next week, etc, etc. Sir, there are so many "ifs" in the statements of the Ministers. We want to get rid of "ifs". We want to have the statement from the Hon'ble Chief Minister this session since he has agreed to make one. We want to have a definite understanding and we want to know from you, Sir, custodian as you are of the rights and privileges of this House, whether this motion will be allowed to be moved, considered and discussed in this session.

Rai Sahib JATINDRA MOHAN SEN: Sir, it is clear beyond any doubt that the Hon'ble Chief Minister has gone away to attend to some urgent business at Delhi and that before he left he had definitely stated that he would be coming back on Tuesday next and make a statement. This is a fact which ought to be borne in mind in discussing other subsidiary matters——

Mr. KADER BAKSH: What do you mean by subsidiary matters?

Rai Sahib JATINDRA MOHAN SEN: I mean that which is ancillary to the matter which has arisen. If he had been present today in Calcutta, he would have been here and would have made the statement and the whole trouble would have ended. Now that he has gone after leaving a definite instruction that he would be coming back on Tuesday and that he would make a statement after his return, that should end all controversies over the matter; and the question of adjournment motion next week or the question whether the normal business regarding the Primary Education Bill would be concluded or not this week should not have been raised at all. Again, Sir, I have got a very important motion to be moved today. This relates to a very important matter. I do not like that this should be postponed till the next session. I should like a statement from the Hon'ble the Chief Minister, who is also the Home Minister, on the floor of this House in

the current session. So it is very desirable that some arrangement should be made for the prolongation of the sitting next week, so that important matters that are pending may be discussed and decided.

Mr. DEPUTY PRESIDENT: The Hon'ble Minister in charge of the Co-operative Department has suggested that I should withhold my ruling on the point of order raised with regard to the adjournment motion till the Hon'ble the Chief Minister returns from New Delhi and makes a statement. Several points have been raised in this connection the most important of which is: whether the House will continue till Tuesday or not.

Now, as regards the prorogation of the House, it is entirely in the exercise of the special rights of His Excellency the Governor. Nobody else is in a position to give any guarantee as to when the House will be prorogued. But as regards the possibility of the business of the House continuing till Tuesday next, I simply draw your attention to the fact that 15th, 16th and 17th November are public holidays. Now, in deciding the question raised by the Hon'ble Minister in charge of the Co-operative Department, I must be guided by the desire of the House. The leaders of different parties may settle that. In expressing their opinions they should bear in mind the following facts: I have already stated that in the matter of prorogation nobody is in a position to give any guarantee. As regards objection about the point of urgency of the matter, if the House desires that I should postpone my ruling, I can assure the House that I shall waive the same and protect the mover of the motion in that respect. I shall go further and say that in the meantime I shall be very glad to take up the other adjournment motions which are pending. I leave the matter entirely to your consideration and after I hear you, I shall decide the question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think in a matter like this we cannot depend upon "ifs" and "buts". No one can doubt the urgency of the adjournment motion, and since it has already been moved, it is now the privilege of the House that the Chair's ruling in connection with the point of order relating to my motion should be given today. It cannot be deferred to suit the convenience of anybody. Sir, the law is no respecter of persons; neither is the rule of our House respecter of any person. The Chair cannot allow us time to bring our party members from their houses to support a motion. The Chair is not to meet the wishes of any honourable member or Minister. He is here to administer the rules as they stand and to see that they are properly observed. So, I think it is our privilege to have a decision here and now. If the Hon'ble the Chief Minister is to make a statement to this House, we may accede to his request only if it is definitely stated that there will be a sitting of the House on Wednesday next. Unless that definite undertaking is given, we are not prepared to accede to his request. And in that case the House should proceed with the adjournment motion. If the undertaking is not given, it may so happen that the House may be prorogued and the discussion on the adjournment motion which is likely to prove unpalatable will be evaded.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nasipur: Mr. Deputy President, Sir, there is no denying the fact that one adjournment motion is still before the House and that several other adjournment motions are pending. In view of the fact that the Chief Minister has expressed an intention that he would come back on Tuesday next and would make a statement, I think it may be presumed that the House would continue to sit till Wednesday next. And, with regard to prorogation that, Sir, as you have jusly observed, depends upon the Governor. If the Governor decides to prorogue the present session, no one can say anything about it. But in fairness to the members, Sir, I think the House should sit on Wednesday next, so that the Chief Minister may make a statement.

Mr. LALIT CHANDRA DAS: Sir, on behalf of my party, I beg to——.

Mr. MESHBAHUDDIN AHMED: What party do you represent?

Mr. LALIT CHANDRA DAS: Bengal Congress Party. I beg to say that you should withhold your ruling. The Chief Minister has made a simple request and there is every possibility of this House continuing to sit till Tuesday next. I do not see any possibility of this House being prorogued this week. So you should postpone your ruling till the Chief Minister arrives.

Mr. J. B. ROSS: Sir, our feeling is that in the absence of the Chief Minister no adjournment motion which concerns his department can reasonably be taken up, and, therefore, the proposal put forward by the Leader of the House that the discussion of this adjournment motion should be deferred until the return of the Chief Minister is a perfectly reasonable one because, if the Chief Minister is not here, the discussion appears to me to be pointless. In the meantime, we have business before the House with which we can go on. I think we should not waste the time of the House in discussing a motion which in the absence of the Chief Minister is pointless, when we can get on with other business which is before the House. The question of proroguing the House, as you have suggested, is one for His Excellency the Governor and no one in this House is in a position to say whether the House will be prorogued by Saturday or not. Therefore, discussion, on that matter also is pointless. I agree with the other leaders that you should withhold your ruling until the Chief Minister returns. If he is here on Tuesday or Wednesday and the House is still in session, he can make the statement. If the House is prorogued, then it is just too bad, but it cannot be helped.

Khan Bahadur ATAUR RAHMAN: I also agree with Mr. Ross. I think, Sir, you should postpone your ruling till the Chief Minister comes back. Anyhow, I think, we shall be able to carry the session up to Thursday, and Friday being a non-official business day, there need be no

fear of prorogation till the next week. I think the House will not be prorogued by His Excellency, before the Primary Education Bill is finally disposed of.

Mr. MESHBAHUDDIN AHMED: We cannot go on indefinitely on "ifs" and "possibilities". We want a definite guarantee from you, Sir, as to whether the House will continue till the next week.

Khan Sahib ABUL QUASEM: Sir, I only want to make one observation. Mr. Ross has said that if the House is prorogued before the Chief Minister returns, "it will be all too bad".

Mr. DEPUTY PRESIDENT: I would request the Khan Sahib not to criticise any statement made by the leader of any party, as I simply wanted to ascertain the views of the House, and the leaders have helped me by doing so.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, when I was asked to say whether the House would be prorogued this week or the next week, I could not possibly give a definite answer, for it was only the Opposition which was, in my opinion, in a position to give a definite idea as to how long the Primary Education Bill would take to finish. It is the Opposition that has been moving amendments and we, on this side of the House, are not making any speeches. It was, therefore, more within the competence of the Opposition to give the House a definite indication, in which case I could have been able to give my opinion as to whether the House would sit next week or be prorogued this week. Be that as it may, as you, Sir, have very rightly observed that the matter of prorogation of the House is within the competence of His Excellency the Governor alone, I cannot today standing on the floor of the House say what was moving in the mind of the Governor in this respect. However, in deference to the wishes of the various parties, I now find myself in a position to make a statement that in all probability the Primary Education Bill will not be concluded this week, so that we shall perforce have to sit next week. In that case, both the business, viz., the finishing of the last stage of the Primary Education Bill and also the statement of the Chief Minister can be taken up Tuesday next.

Mr. DEPUTY PRESIDENT: Do I understand that the position is that if the Education Bill is not finished by Thursday this week, the House will continue to sit next week?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Yes, Sir.

Mr. DEPUTY PRESIDENT: After this statement made by the Hon'ble the Leader of the House, perhaps the Opposition will not press for a ruling from the Chair today!

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We would certainly very much like to hear the statement from the Hon'ble the Chief Minister, and we are much obliged by the statement from the Leader of the House that the House will continue till the next week.

Mr. DEPUTY PRESIDENT: Then, do I take it that the House agrees to wait for the statement of the Chief Minister in connection with the adjournment motion?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir.

Mr. DEPUTY PRESIDENT: Thanks. This disposes of one item of business.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, another adjournment motion stands in my name.

Rai Sahib JATINDRA MOHAN SEN: I too have given notice of an adjournment motion.

Mr. DEPUTY PRESIDENT: Well, it will come up later.

The next adjournment motion stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I do not like to press this adjournment motion if a statement is made on behalf of the Government as to what the position is with regard to the dearth of small coins in the mofussil areas. If the Hon'ble Leader of the House makes a statement, I will not press the motion.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, it does not appear that this matter is the primary concern of the Provincial Government. However, if my honourable friend wants a statement to be made, that will be done day after tomorrow. I shall have to collect relevant information before I can make the statement.

Mr. DEPUTY PRESIDENT: I think this will satisfy the Leader of the Opposition. As regards the other motions, they are identical with the one already moved and so they will automatically stand over. There is another motion standing in the name of Rai Sahib Jatindra Mohan Sen.

Rai Sahib JATINDRA MOHAN SEN: May I move it, Sir?

Mr. DEPUTY PRESIDENT: Order, order. May I request the honourable member to follow the convention which the late Hon'ble President was trying to establish? According to that, instead of moving such a motion, he may move for papers on the subject in the first instance?

Rai Sahib JATINDRA MOHAN SEN: I realise the position, Sir. Being a supporter of the present Government, it is not quite right for me to move an adjournment motion as it might be construed as a censure motion. I do not want to move this motion as a censure motion and shall be satisfied if I have some information from the Hon'ble Home Minister on matters that I have mentioned in this motion. The question now is whether I am to move this motion formally or this will stand over.

Mr. LALIT CHANDRA DAS: Sir, it is not necessary for him to call for papers, because if he moves his motion formally, I can move an amendment to that motion calling for papers.

Mr. DEPUTY PRESIDENT: In that case, I shall have to examine if the motion in its present form is admissible.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: But, Sir, unless the motion is moved formally, the matter will not be before the House.

Mr. DEPUTY PRESIDENT: Instead of moving this motion formally, you may move for papers.

Rai Sahib JATINDRA MOHAN SEN: My motion may be taken up as a motion asking for papers.

Sir, is it necessary that I should read out my adjournment motion? Because, some honourable members may take the objection that unless I formally move my motion, there will be nothing before the House.

Mr. DEPUTY PRESIDENT: You may simply state what is the subject on which you move for papers.

Rai Sahib JATINDRA MOHAN SEN: All right, Sir. The following are the subjects for information about which I move for papers: (1) a series of devastations said to have been committed in the houses of the Scheduled Caste Hindus of villages Moradanga and Sitaldanga in Porsha police-station, Bonai and Noapara in Tapan police-station, Tepukuria in Patnitala police-station and also of villages Tiloni, Kawail, Baghdanga, Arjunpur, Malancha and Jitihar all in Balurghat subdivision in the district of Dinajpur, at a distance of 16 to 20 miles from Balurghat town, by the police, armed and unarmed, accompanying the police party who conducted the searches in these houses either in the immediate or approximate presence of the District Magistrate, the Superintndent of Police or Deputy Superintendent of Police; (2) the continuous looting of the properties of all kinds, viz., paddy, rice, pulses, utensils, gold and silver ornaments, cash money, beddings, corrugated iron sheets, agricultural implements, etc., etc., from the houses of the Scheduled Caste Hindus, Uraons and Santhals of the village Moradanga for a week by about 200 Muslims under the leadership of

one Nasiruddin Sarkar of village Khanjanpur who carried these looted properties valued over 50 thousand rupees in broad daylight over the public highway while the district authorities were camping at Sapahar Dak Bungalow not far off; (3) the shooting down to death of 3 Scheduled Caste Hindus and 1 Uraon and wounding several others in village Parlarhat by armed police by the orders of the Circle Inspector of Tapan police-station. All these incidents took place in the last week of September, 1942; all information and news about them were suppressed by the authorities and came to my knowledge on Friday, the 6th instant at 5 p.m. after the Council sitting of the day was over.

What I now propose to do is that instead of moving this as a sort of adjournment motion, I call for the papers and I request that the Hon'ble the Home Minister may be pleased to make a statement on the incidents referred to.

Mr. DEPUTY PRESIDENT: Is the Hon'ble the Leader of the House in a position to say anything on this subject on behalf of the Hon'ble the Home Minister?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I undertake on behalf of the Home Minister to make a statement on the subject next week.

Mr. DEPUTY PRESIDENT: The next adjournment motion stands in the name of Mr. Nur Ahmed regarding the Midnapore Cyclone. May I know if you have any objection to wait till tomorrow?

Mr. NUR AHMED: Yes, Sir, I can wait till tomorrow.

Mr. DEPUTY PRESIDENT: All right. The House will now resume further discussion on the Bengal (Rural) Primary Education (Amendment) Bill, 1942.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Khan Sahib ABUL QUASEM: Sir, I beg to move that in clause 2 of the Bill, in sub-clause (I) (*b*), after the word "women" appearing in line 2, a comma be inserted; and for the words "interested in education and" in lines 2 and 3, the words "one being a Muslim and the other a Hindu, who shall be directly interested in the advancement, management and control of primary education, as Secretary, teacher or benefactor of a primary school or as an educational expert, and" be substituted.

Sir, in moving amendments Nos. 4 and 5, I fully gave the reasons which actuated me in giving notices of this amendment. Well, Sir, it was said on behalf of the Government party that the members of the Opposition did not pay so much heed to consider Government proposals on their own merits. That, Sir, I humbly wish to say is not correct. All the amendments

that we have given notice of are, in our humble judgment, proper and necessary for the improvement of the Bill which is before the House for consideration. What is the response that we are getting from the Government? Though we are giving clear reasons for the amendments,—in the thinking out and giving notices of which we have taken considerable pains, the Hon'ble Minister in charge of this Bill only a few minutes ago said that the Government did not think it worthwhile to make speeches in reply to our arguments. This, I take it is a clear hint that they are treating the Opposition with silent contempt. All the pains that we are taking are simply being lost upon the Government, because they have got a standing majority to carry their wishes into effect. Therefore, they do not care to consider our proposals on their merits. Government say that we are not reasonable, whereas we find that there is complete want of reasons on the part of the Government. If you will permit me, Sir, I will just in a few words——.

Mr. NARESH NATH MOOKERJEE: Sir, on a point of order. This amendment is very similar to amendments 11, 12 and 13 which we have fully discussed and voted upon and I think it is really a waste of the time of the House to go over the same ground. We have expressed our views on this point and so also the Government. The Khan Sahib knows what those views are very well. It is a waste of time of the House because the only alteration in this motion is a comma and after the words "shall be" the word "directly" has been inserted. I ask you to judge whether it is not an amendment which overlaps the other motions.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my honourable friend has not followed the previous amendments. Those amendments were in respect of the provision of the Primary Education Act as it exists, i.e., out of 5 nominations, two should be women: one being a Hindu and another a Mahomedan. But the Khan Sahib has accepted 7 nominations out of whom one should be a Hindu woman and the other a Mahomedan. It is quite different from those which have been previously disposed of.

Khan Sahib ABUL QUASEM: Sir, I assert, I am not wasting the time of the House, but I am supporting my amendments by reasons. Individually, I am making it possible for the Chief Minister to come and address the House on the day fixed by him. I am taking pains which the Government party ought to have taken so that the pious wish expressed by the Chief Minister is fulfilled, so that he may be in a position to make the intended statement. I am simply aiding the fulfilment of his wish. But still they would find fault with me. Well, Sir, I proceed.

I said in my previous speech that it is necessary that there should be statutory provision that of the two women representatives one should be a Muslim and the other a Hindu. I have given full reasons for my proposal. I do not wish to depend upon any pious wish expressed by an Hon'ble Minister which may or may not be respected by his successor in office.

Since in the present statute which is being sought to be amended there is a clear distinction between Hindus and Muslims as such and Scheduled Castes as such, and as there is already a provision for the separate representation of Muslim and Hindu and Scheduled Caste members as such on the different committees and different bodies created by this particular statute, why should Government in this amending Bill fight shy of following in this matter what they have already accepted as their principle in the original Act? It is not as if the Government is seeking to eliminate this distinction altogether so far as this Bill is concerned! Therefore, my proposal is quite fair and justified. And I appeal to the Government to accede to our wishes.

Next I turn to the words "interest in education". That is quite a vague term. Therefore, in my motion I have tried to define how this interest is to be shown and tested. I sometime ago gave specific instances why Government cannot be trusted to make appointments or nominations in respect of educational institutions as they have often, if not always, appointed some people, who, I am sorry to say, have nothing to do with education proper: and, indeed, whether they have at all got any educational qualifications is a matter for serious enquiry. I assured Mr. Naresh Nath Mookerjee the other day that if he would take the trouble he would find to his astonishment that persons have been appointed to selection committees and governing bodies of educational institutions for which they have little fitness. It is for this reason that I suggest that Government should not be trusted with the power of nominating members to committees and governing bodies in respect of educational institutions, because their past conduct does not show that they have used this power properly; they, on the contrary, have chosen persons who cannot fall within the description "interested in education". Let me quote from the Act. The preamble of the Act says, "Whereas it is expedient to make better provision for the progressive expansion and for the management and control of primary education in rural areas in Bengal, so as to make it available to all chidren and with a view to make it compulsory within ten years". In my amendment I have quoted words from the preamble of the Act. In keeping with the object of the Act, I desire to provide that whoever is to be nominated or appointed to the committee must show that he or she is interested in education in a direct way and therefore I have suggested that he or she has got to show that he or she is interested in the advancement, management, and control of primary education, as secretary, teacher or benefactor of a primary school or as an educational expert. This, I submit, is quite reasonable and we are of opinion that Government would be well advised in accepting this amendment. I suggest that they should not stick to their old method of nominating on principles of party patronage people who have no claim to fitness for the work involved but whose claim is based only on their support of the Government and on their being in the good books of Government. That is very undesirable. I, therefore, propose that whoever may be appointed to the committee must be able to say that he or she is directly interested in primary education as secretary, teacher or benefactor of a primary institution or as an educational expert.

The thing is so reasonable that I need not waste any more time of the House in commending my motion to the acceptance of the House. I recall that the other day the Hon'ble Minister in charge of this particular Bill said that we on this side of the House were lacking in brains. Of course, he did not say that in so many words but he painly indicated that. Well, Sir, Government's intelligence and wisdom as displayed by the Hon'ble Minister in charge of the Bill is obviously of a superior brand. We have to confess regretfully that we have no pretensions to possession of anything like it. We are humble people, and although we do not and cannot claim any such superior brain-power as is possessed by the Hon'ble Minister, yet we have our own points of view and we must continue to say what we think right and proper and we say that in the matter of nomination Government by their conduct in the past have not proved that they can be safely trusted with this power. They appoint people who have got no fitness for working on these particular committees and bodies and therefore I say that in the interest of primary education anybody and everybody should not be appointed and that people who show interest in education in certain definite ways should be appointed: that is the object of this amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 2 of the Bill, in sub-clause (*1*)(*b*), after the word "women" appearing in line 2, a comma be inserted; and for the words "interested in education and" in lines 2 and 3, the words "one being a Muslim and the other a Hindu, who shall be directly interested in the advancement, management and control of primary education, as Secretary, teacher or benefactor of a primary school or as an educational expert, and" be substituted.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the motion which has been moved by my friend Khan Sahib Abul Quasem. It is simply amazing that he has said so much in support of this amendment. Similar amendments have been moved and the House has turned them down. Again in this amendment the same thing has come in another form. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is quite different.) No, it has come in another form. In substance there is absolutely no difference. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is difference, as I pointed out.) In the Bill there is nothing obscure. All that has been said is that there should be on the committee two women interested in education. My friend wants that one of them should be Hindu and another a Muslim. By this motion he wants to give a communal colour to it. So I object to it. Circumstances may demand that both should be Muslims or both should be Hindus. All that is essential for the purpose of the advancement of primary education is that these two women who are going to be members of the Central Primary Education Committee should be interested in education. He has only translated the word "interested" in so many words. He said in his amendment—"shall be directly interested in the advancement, management and control of primary education.....teacher or benefactor of a primary school or as an educational

expert". But the words "interested in education" are such that they have a general import. The language should be left undisturbed without any explanatory notes. With these words, I oppose the amendment of Khan Sahib Abul Quasem.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to support the amendment which has been moved by my friend Mr. Abul Quasem. It is regrettable that even a lawyer of the eminence of Mr. Lalit Chandra Das has not followed the previous two amendments and says that they are same and almost identical, only the words have been changed. The other two amendments wanted that in sub-clause (*1*) of clause 2, paragraph (*b*) be substituted by a new paragraph. The amendment now before us proceeds on the assumption that the number of nominated members should be increased by two, whereas the other two amendments of Mr. Nur Ahmed wanted that there should be no addition to nomination but that the old sub-section should stand with this modification that of the five nominated members two should be ladies, one Hindu and one Muslim. According to this amendment of Khan Sahib Abul Quasem, the number of nominations may be increased by 2, as proposed in the amending Bill. Now, Sir, it is a quite different amendment altogether and I wonder how a lawyer of the eminence of Mr. Das, just like Mr. Naresh Nath Mookerjee, could say that they are identical. The amendment now before us does not question the addition of two more members who should be ladies but merely seeks to specify definitely that one of them should be Muslim and the other Hindu, as otherwise favouratism may prevail. Our friend, Sir Bijoy Prasad Singh Roy, also said that in the interest of the Hindu community it should be definitely laid down that one should be ear-marked for Hindus and the other for Muslims. So, this is a very reasonable amendment and I hope the House will accept it.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I think that the amendment formerly moved was slightly different from the amendment now moved by Khan Sahib Abul Quasem. In this amendment he praticularly defines the qualifications which, in his opinion, should be demanded of persons who are to be nominated as members of the Central Committee. As a matter of fact, I am not convinced by the arguments that he has advanced in support of his amendment and I do not think I should be justified in making a violent presumption that the people who are nominated on the Education Boards are people who generally do not interest themselves in education. In that view of the case, I am unable to accept the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in clause 2 of the Bill, in sub-clause (*1*)(*b*), after the word "women" appearing in line 2, a comma be inserted; and for the words "interested in education and" in lines 2 and 3, the words "one being a Muslim and the other a Hindu, who shall be directly interested in the advancement,

management and control of primary education, as Secretary, teacher or benefactor of a primary school or as an educational expert, and" be substituted.

The motion being put, a division was challenged with the following result:—

AYES—11.

Ahmed, Mr. Mesbahuddin.	Hossain, Mr. Latafat.
Ahmed, Mr. Nur.	Molla, Khan Sahib Subidali.
Aziz, Khan Sahib Abdul.	Momin, Begum Hamida.
Baksh, Mr. Kader.	Quasem, Khan Sahib Abul.
Hosain, Khan Bahadur Saiyed Muazzamuddin.	Rahaman, Khan Bahadur Muktesur.
	Talukdar, Dr. Kasiruddin.

NOES—17.

Barua, Mr. D. L.	Maitra, Rai Bahadur B. M.
Choudhury, Mr. Moazzemali.	Mookerjee, Mr. N. N.
Chowdhury, Mr. Khorshed Alam.	Rahman, Khan Bahadur Ataur.
Chowdhury, Khan Bahadur Rezzaqul Naider.	Ray, Rai Sahib J. N.
	Ray, Mr. N. N.
Cohen, Mr. D. J.	Ross, Mr. J. B.
Das, Mr. L. C.	Roy, Mr. A. D.
Ferguson, Mr. R. W. N.	Roy Chowdhury, Mr. B. K.
Karim, The Hon'ble Khan Bahadur M. Abdul.	Sen, Rai Sahib J. M.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendment—11; against the amendment—17. Therefore, the amendment is negatived.

Mr. DEPUTY PRESIDENT: Mr. Nur Ahmed, before you move your next amendment, will you please explain the difference between your that one and amendment No. 15 which has already been disposed of?

Mr. NUR AHMED: The difference is that in this amendment there are not the qualifying words "who shall be directly interested in the advancement, management and control of primary education, etc., etc." There is also this difference—that I leave a free choice to Government to appoint one Muslim and one Hindu. These are the points of difference between my next amendment and the preceding one.

Mr. DEPUTY PRESIDENT: Do you want to move this amendment?

Mr. NUR AHMED: Yes, certainly.

Mr. DEPUTY PRESIDENT: In that case, I would request you to restrict your speech exclusively to the point of difference between this amendment and the preceding one.

Mr. NUR AHMED: The arguments which have been advanced in support of the previous amendment can be advanced in support of this amendment also.

Mr. DEPUTY PRESIDENT: No, you can mention only those arguments which will have a direct bearing on the difference between the two amendments.

Mr. NUR AHMED: All right, Sir. I beg to move that in sub-clause (*1*)(*b*) of clause 2 of the Bill, after the word "women" in line 2, the words "one Muslim and one Hindu" be inserted.

Sir, this amendment of mine involves a principle which has always been accepted in the main body of the Primary Education Act, 1930. From sub-clause (*2*)(*b*) of that Act it will appear that there is such a thing as one Hindu and one Muslim. Then, sub-clause (*b*) practically says that ten members shall be elected by the School Boards and two members by the schools in each division: one Hindu and one Muslim. My amendment similarly follows clause (*b*). Out of the two women, I want one to be a Muslim and the other a Hindu. In that view, I think that while this principle has already been accepted, there will be no objection to this amendment. As regards the assurance that out of the two women one will be a Hindu and the other a Muslim, we have bitter experience of such assurances. Sir, many solemn assurances have been given on the floor of this House but I am sorry to say that most of them have not been implemented. In the Bengal Municipal Act, 1932, also there is a section which reserves seats for minority communities. In accordance with that, in some municipalities seats are reserved for the minority communities. We find from the *Calcutta Gazette* that where seats have been specifically reserved for the Muslims, they are appointed; but where no seats are so reserved, no Muslim is appointed. Also we find that in the municipalities no Muslim is nominated by Government where there is no seat ear-marked for Muslims. So, it proves that unless a seat is reserved for one Muslim at least, there is no surety that a Muslim lady will be appointed by the Government. Another fact which I would like to mention is that if there is a provision that there will be three more nominations, then Government can appoint more Muslim women if they so desire. My amendment will not restrict the hands of the Government. In these circumstances, I hope my amendment will be accepted and I commend it to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*1*)(*b*) of clause 2 of the Bill, after the word "women" in line 2, the words "one Muslim and one Hindu" be inserted.

Mr. LALIT CHANDRA DAS: Sir, I oppose this amendment because virtually it is the same as amendment No. 11 and amendment No. 14. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He is making the same

mistake, Sir. It is not the same amendment, it is quite different.) No, Sir, it is the same. The wording which appears in the Bill is: after the words "of whom", the words "two shall be women interested in education and". In the amendment of Mr. Nur Ahmed he wants that after the word "women" in line 2, the words "one Muslim and one Hindu" be inserted. Now, if these words are inserted, it will read as "one Muslim and one Hindu interested in education". These are exactly the words used in amendment No. 14 which says, ".....one Hindu and one Muslim interested in education as members of the committee in the prescribed manner". The only difference in amendment No. 11 is that it says, "two shall be women—one Hindu and one Muslim, connected with primary education and". So, the only words left in this amendment are "connected with primary education". Now, Sir, even if these words are left out from the present amendment, still it will read "one Muslim and one Hindu interested in education". So, for all practical purposes the substance of all these amendments is identical and I oppose it as such.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I rise to support this amendment. This amendment is quite different. Amendment 14 speaks about co-option and not nomination. As regards amendments Nos. 12 and 13, they are also quite different from the present amendment. Amendment 12 says that after the words "of whom" in sub-clause (*b*), the words "two shall be women—one Hindu and one Muslim and" be inserted. It means that of the five nominations, two should go to woman, one Hindu and one Muslim. It does not accept two additional members being nominated. It merely qualifies the provision made in the original Act. But this amendment is quite different and not identical, as Mr. Lalit Chandra Das said just now. Sir, the amendment now before us accepts the Government proposal of increasing the number by two; but it qualifies that of these two, one should be Muslim and the other Hindu, and I think there should be no objection.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I am very sorry that I am unable to accept this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*1*) (*b*) of clause 2 of the Bill, after the word "women" in line 2, the words "one Muslim and one Hindu" be inserted.

(The amendment was negatived.)

Khan Sahib ABUL QUASEM: Sir, I beg to move that in clause 2 of the Bill, in sub-clause (*1*), after paragraph (*b*), the following new paragraph be added, namely:—

"(*c*) for the words 'shall be representatives of the Depressed Classes' the words 'shall belong to the Scheduled Castes' shall be substituted."

I am aware, Sir, that the arguments that we advance are all lost upon the Hon'ble Minister. He does not see any wisdom or intelligence in the arguments that we put forward. Through you, Sir, I make an appeal to the intellect of other honourable members of this House. May I draw the attention of the House to clause 3 of this amending Bill? There the Government proposes that "two members who shall belong to the Scheduled Castes....." The language I have used in my amendment is taken bodily from the language used in this particular clause of this amending Bill and for a very good reason. The words "depressed classes" have ceased to be current in legal and political phraseology since the passing of the Government of India Act, 1935. Sir, the words "depressed classes" were in use before the present Government of India Act came into effect. The words "Scheduled Castes" mean those castes which are specifically enumerated in a schedule to the Government of India Act. Government has also recognised this and in clause 3 (*2*) (*hh*) these words have been used by it in its amending Bill. I have only tried in my amendment to bring the entire language of the Bill in conformity and uniformity with the present state of affairs so far as this phraseology is concerned. In the Bill Government has used the word "Scheduled Castes"; but in the Act the phrase "Depressed Classes" is allowed to remain. This is anomalous. I think, Sir, this is a necessary amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 2 of the Bill, in sub-clause (*1*), after paragraph (*b*), the following new paragraph be added, namely:—

"(*c*) for the words 'shall be representatives of the Depressed Classes' the words 'shall belong to the Scheduled Castes' shall be substituted."

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose the amendment, because in my opinion the expression "depressed class" has a wider application than the expression "scheduled castes". Therefore, I cannot accept this amendment.

Khan Sahib ABUL QUASEM: Obviously, it includes other castes besides the scheduled castes. Sir, will the Government explain for the benefit of the House as to why did they then use the expression "scheduled castes" in place of "depressed class" in clause (*3*) of this amending Bill?

Mr. AMULYADHONE ROY: Does the word "depressed class" bear the same meaning as "scheduled caste"? (Cries of "No"! "no" from the Opposition.)

The Hon'ble Khan Bahadur M. ABDUL KARIM: My opinion is that the expression "depressed class" has wider application than the expression "scheduled castes".

Mr. DEPUTY PRESIDENT: The question before the House is: that in clause 2 of the Bill, in sub-clause (*1*), after paragraph (*b*), the following new paragraph be added, namely:—

"(*c*) for the words 'shall be representatives of the depressed classes' the words 'shall belong to the scheduled castes' shall be substituted".

The question being put, a division was challenged with the following result:—

AYES—9.

Ahamed, Mr. Mesbahuddin.	**Hossain, Mr. Latafat.**
Ahmed, Mr. Nur.	**Molla, Khan Sahib Subidali.**
Aziz, Khan Sahib Abdul.	**Momin, Begum Hamida.**
Hosain, Khan Bahadur Saiyed Muazzamuddin.	**Quasem, Khan Sahib Abul.**
	Talukdar, Dr. Kasiruddin.

NOES—14.

Barua, Mr. D. L.	**Maitra, Rai Bahadur B. M.**
Choudhury, Mr. Moazzemali.	**Mookerjee, Mr. N. N.**
Chowdhury, Mr. Khorshed Alam.	**Rahman, Khan Bahadur Ataur.**
Chowdhury, Khan Bahadur Rezzaqul Haider.	**Rashid, Khan Bahadur Kazi Abdur.**
Cohen, Mr. D. J.	**Ray, Rai Sahib J. N.**
Das, Mr. L. C.	**Roy Chowdhury, Mr. B. K.**
Karim, The Hon'ble Khan Bahadur M. Abdul.	**Sen, Rai Sahib J. M.**

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendment—9; against the amendment—14. Therefore, the amendment is negatived.

Khan Sahib ABUL QUASEM: Sir, I beg to move that in clause 2 of the Bill, sub-clause (*2*) be omitted.

Sir, what the Government propose in this particular sub-clause which I seek to omit is to officialise the Central Primary Education Committee which is to regulate the development of primary education for the entire province of Bengal. The proposal of the Government is that the Director of Public Instruction shall be *ex-officio* Chairman of the Central Primary Education Committee and that the Secretary to the Committee shall also be appointed by the Government for the first five years. This is, Sir, officialising the Central Committee altogether. It is a great wonder to me that my friends who style themselves as the Congress Party or some other party and who were once so loud in their professions and protestations that officialisation should be done away with root and branch and eliminated altogether, it is really a wonder that that very party who are now supporters of the present Government should be going back completely upon their past professions and protestations and supporting the creation of an official body to advise Government in regard to such a matter as primary education. And the Chairman of this Committee is going to be an official and the Secretary is going to be appointed by Government, according to its own choice. That is

to say, this committee is going to be an official committee, practically speaking. If these two functionaries are to be nominated it may be as well to have the whole committee nominated by Government. This proposal, Sir, is against the trend of the public opinion and feeling and we of the Opposition are against it and are of opinion that this officialisation should not be encouraged but should be definitely discouraged. Here is a committee which should certainly elect its own Chairman and in these days of political advancement in Bengal the Government should not have taken upon themselves to appoint the Chairman and the Secretary. There is no reason why a committee elected by the public should not be trusted to choose a proper Chairman and proper Secretary. I, therefore, move my motion and I hope that my friends of the other side will show that they are really opposed to officialisation of committees and other public bodies and that it is not mere clap-trap when they cry against officialisation.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 2 of the Bill, sub-clause (*2*) be omitted.

Mr. LALIT CHANDRA DAS: Sir, I oppose this motion. It is a negative motion. It only says that sub-clause (*2*) be omitted. He has not given any suggestion as to what should take its place. Sub-clause (*2*) is an important provision. It deals with the constitution of the committee and its function. So, it is suggested there that the Director of Public Instruction should be the *ex-officio* Chairman of that committee and then it is next suggested that its Secretary should also be appointed. A Secretary is necessary for a committee to work. A Chairman is also necessary. Government suggested that the Chairmanship should go to the Director of Public Instruction. Next, Sir, the Secretary should be appointed for the first term from among the elected members—the choice is limited—the choice is in Government's hands and they are empowered to select the Secretary. But the choice is restricted in the sense that Government will exercise its power of selecting the Secretary from among the elected members of the committee. Then, Sir, it is provided that after five years the committee itself will elect its own Secretary from among the elected members. Therefore, Sir, as I said, it is a negative amendment and without making any suggestion and giving any reasons it seeks to omit the sub-clause altogether. So, I oppose it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my friend Mr. Lalit Chandra Das has again made a mistake. If my honourable friend will please look up the rule, he will find that under sub-clause (*8*) of section 66, Government have power to make rules and appoint its Chairman and so on. So, it will not be unworkable if this amendment is accepted. The amendment is on the other hand very good and I hope it will be accepted. But the next amendment that will be moved is very definite and I hope that will not be opposed.

The Hon'ble Khan Bahadur M. ABDUL KARIM. Sir, I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in clause 2 of the Bill, sub-clause (*2*) be omitted.

(The amendment was negatived.)

Mr. NUR AHMED:—Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) The Committee shall elect its own Chairman and Secretary from amongst the members of the Central Primary Education Committee."

Sir, sub-clause (*3*) of clause 2 of the Bill runs as follows:—

"(*3*) The Director of Public Instruction, Bengal, shall be *ex-officio* Chairman of the Committee, and there shall be a Secretary of the Committee who shall for the first term of five years be appointed by the Provincial Government from amongst the elected members of the Board and who shall thereafter be elected in the prescribed manner by the members of the Committee from amongst themselves."

Sir, in my amendment I propose that the Committee shall elect its own Chairman and Secretary from among its own members. Government by introducing this sub-clause has made an innovation which, I think, is unique in the history of legislation. I have searched for precedents, and of course, I speak subject to correction, but I have found none and I shall be glad to be enlightened if any honourable member can show me any precedent anywhere and in any similar Act in India or in Bengal. This is a most retrograde step that is sought to be provided for in this Bill. The Chairman of the Committee is going to be appointed by Government for all time, as if the people of Bengal cannot be trusted. It is a slur on the people of Bengal that they cannot elect the Chairman or the Secretary of the Central Committee set up for regulating and controlling primary education in this province and that no one fit to take charge of these offices can be found. They are being treated by Government in an insulting manner. This attitude of the Government should be condemned by every self-respecting man of Bengal for the Government are proclaiming indirectly that they are unfit to hold important positions in an important Committee whose function is to advise and guide the course of primary education in Bengal. Sir, the Bengal Legislative Council and the Bengal Legislative Assembly have elected their own President and Speaker respectively. Even the municipal bodies elect their own Chairmen; and it is only when they fail to elect their Chairmen that Government appoint them. Here, it is not a question of appointing a Chairman to this Committee on a particular occasion; but the Government is going to appoint a man who will be *ex-officio* Chairman not for one year, not for two years, but for all time to come. I would request the honourable members of this House to give this aspect of the

matter their serious consideration. My amendment is a very simple one. I have only wanted that the Chairman and the Secretary should be elected by the members of the Central Committee. If the Committee so wish, they can elect the Director of Public Instruction to be their Chairman. But why there should be any provision in the amending Bill that a particular official shall be the Chairman *ex-officio* and that for all time to come? As things stand, the Director of Public Instruction has very little to do with primary education. There is a Special Officer for that. Therefore, Sir, from every point of view the proposed sub-section (*3*) should be altered. So, I appeal to the House to accept my amendment which is very reasonable and just.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) The Committee shall elect its own Chairman and Secretary from amongst the members of the Central Primary Education Committee."

Mr. LALIT CHANDRA DAS: I rise to oppose the amendment and I will adduce in support of my contention the very same ground which has been advanced by my friend Mr. Nur Ahmed himself. Now, Sir, I do not say that the proposition that has been laid down by the Government is an ideal one. I do not say that in such matters as the Central Primary Education Committee the chairmanship of the Director of Public Instruction is essential. I believe there are several non-official educated gentlemen in Bengal who may be trusted to carry on the duty. But, any way, there is no doubt that here is an educational expert who knows the ins and outs of education, so that if his services can be lent for chairmanship of the Committee, that selection will be for the good. That Mr. Nur Ahmed also wants that the Government should appoint the chairman of the Central Primary Education Committee would be apparent from what he has stated in motion No. 24. "The Provincial Government shall appoint a Chairman of the Committee for first five years". (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He has not yet moved that and you cannot refer to it.) I know that amendment No. 23 is now before the House but I am only referring to his sentiments and views with respect to the chairmanship. In amendment No. 25——

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise on a point of order. How can Mr. Das refer to another amendment which is not yet before the House? He must restrict his observations to the amendment which is before the House. But he is referring to another motion which may or may not be moved at all. I want a ruling from you on this point, Sir.

Mr. DEPUTY PRESIDENT: Mr. Das, instead of referring to an amendment which has not yet been moved, better speak in support or against the amendment under consideration.

Mr. LALIT CHANDRA DAS: Now, Sir, speaking against the amendment before the House I wish to show how the mind of my friend Mr. Nur Ahmed is working on the question of chairmanship. He really thinks that the best person to be selected as chairman of the Central Primary Education Committee would be the Director of Public Instruction. He says, "The Provincial Government for the first five years should appoint a Chairman." In another amendment he says that the Director of Public Instruction should be an *ex-officio* Chairman of the Committee. With these words, I oppose the amendment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my friend Mr. Lalit Chandra Das could not give any reply to the amendment so ably moved by my friend Mr. Nur Ahmed. Mr. Nur Ahmed has definitely sought to put on an elective basis the offices of the Chairman and the Secretary. Election, Sir, is a principle for which the Congress Party was crying loudly so long as they were in Opposition and I believe Congress still stands for the principle of election outside this House. But simply because they are now on the side of Government, they seem to have forgotten their past history and have even gone to the length of supporting in this House the principle of nomination, forgetting all their past views and principles. (Mr. LALIT CHANDRA DAS: Question!) In the past they denounced in as loud a tongue as possible the principle of appointments and nominations; and it is strange that they are now supporting the principle of officialisation. They are now supporting the principle of officialising the appointments of the Chairman and Secretary of a very important elective public institution, although only a few months ago they were loud in deprecating officialisation of public institutions. They are now agreeable to support the appointment of the Director of Public Instruction as *ex-officio* Chairman and they also support that the Secretary to the Committee for the first five years will be another officer of Government. Mr. Das has said that for the Committee to have expert knowledge at their disposal it is necessary that the Director of Public Instruction should be the Chairman of the Committee; but I say that if the Director is a member of the Committee that alone should suffice for expert advice, for advice could be sought from him if he were merely a member of the Committee. Is it necessary for this purpose that the Director of Public Instruction should be the Chairman of an elective body or institution which will deal with matters relating to primary education of the Province of Bengal? If expert advice is to be given so much value that an expert should be the Chairman of the Central Committee, we might on this ground as well contend that the Chief Secretary to the Government of Bengal ought to be the President of the Bengal Legislative Council and the Secretary to the Governor should be the Prime Minister of Bengal, because they are great administrators and expert officers. They have got expert knowledge and

they should be the President and Home Member and not we who have been elected by the people. Sir, my friends opposite,—especially the Congress and Mahasabha friends—cry loudest for Self-Government, Swaraj, Independence, liberty and freedom; but when they come here they forget everything and declare that because certain officers are expert administrators and possess expert knowledge of administration they should be entrusted with the administration even of a simple matter like primary education and that they cannot trust their own men. They can only talk and talk of Swaraj and Independence, etc., but do not mean it seriously. I, therefore, ask the members on the other side of the House to place their hands on their chests and say if they are going to vote with us or not, so that the outside world may note the real tendency of the people who come to this House to represent great electorates in the rural areas—that though they are loud in their professions they do not mean it.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, the discussion on this motion has turned largely on what we call *ultra*-patriotism. I may remind my friends of the Opposition and the honourable mover of the amendment that under the existing Bengal Rural Primary Education Act, the "official" District Magistrate has been *ex-officio* Chairman of the District School Board for two successive terms and that the District Inspector of Schools, another official, has been its Secretary for the same period. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But these are not ideal arrangements.) Now, Sir, coming to the officialisation of the Central Committee of Primary Education, my honourable friend forgets that there is the accepted doctrine that one who pays the piper has the right to call for the tune. Government is financing all these institutions and not the public—at least at the initial stage. The proportion of Government's contribution is about 60 per cent. and the public works cesses, etc., contribute about 40 per cent., but that too is gradually going on the descending scale. Therefore, my honourable friend cannot expect the Government to entrust the administration of this department, which entails an expenditure or rather a contribution from Government to the extent of crores and lakhs of rupees, to non-official hands. As a matter of fact, we have our painful experience in recent times of finding that such non-official bodies as the district boards and municipalities, are being gradually superseded. With all this experience before us, it would be idle to expect that Government can forego its legitimate right to appoint its own Chairman on the Central Committee and thereby have all controlling power over the finance. It is not a question of literacy here—the Director of Public Instruction knows very little of Bengali language or other things and I cannot look at this question from that aspect. But I would look at the financial aspect of the question. The question is that the administration should be managed for so many years by Government: therefore, they should have their own officers as Chairman and Secretary. I take the matter in that view. I propose to explain the matter more fully during the Third Reading of the Bill. For the present, for this and other reasons, which I will disclose hereafter, I cannot see how I can accept the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (2) of clause 2 of the Bill for the proposed sub-section (3), the following be substituted, namely:—

"(3) The Committee shall elect its own Chairman and Secretary from amongst the members of the Central Primary Education Committee."

The motion being put, a Division was challenged with the following result:—

AYES—8.

Ahmed, Mr. Mesbahuddin.	Hosain, Mr. Latafat.
Ahmed, Mr. Nur.	Momin, Begum Hamida.
Aziz, Khan Sahib Abdul.	Quasem, Khan Sahib Abul.
Hosain, Khan Bahadur Saiyed Muazzamuddin.	Taiukdar, Dr. Kasiruddin.

NOES—14.

Barua, Mr. D. L.	Rahman, Khan Bahadur Ataur.
Choudhury, Mr. Moazzemali.	Rashid, Khan Bahadur Kazi Abdur.
Chowdhury, Mr. Khorshed Alam	Ray, Rai Sahib J. N.
Das, Mr. L. C.	Ray, Mr. N. N.
Karim, The Hon'ble Khan Bahadur M. Abdul.	Roy, Mr. A. D.
Maitra, Rai Bahadur B. M.	Roy Chowdhury, Mr. B. K.
Mookerjee, Mr. M. N.	Sen, Rai Sahib J. M.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendment—8; against the amendment—14. Therefore, the amendment is negatived.

I now adjourn the House till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 11th November, 1942.

Members absent.

The following members were absent from the meeting held on the 10th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Rai Bahadur K. C. Banerjee.
(3) Mr. S. C. Chakraverti.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. N. C. Datta.
(8) Mrs. K. D'Rozario.
(9) Mr. K. K. Dutta.
(10) Khan Bahadur Alhadj Khwaja Mohd Esmail.
(11) Mr. Mohamed Hossain.
(12) Mr. Humayun Kabir.
(13) Khan Bahadur Mohd. Asaf Khan.
(14) Maulana Muhammad Akram Khan.
(15) Mr. J. McFarlane.
(16) Dr. R. K. Mookerjee.
(17) Mr. T. B. Nimmo.
(18) Mr. R. Pal Choudhury.
(19) Dr. K. S. Ray.
(20) Sir B. P. Singh Roy.

BGP-42/3-9280A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 18.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 11th November, 1942, at 2-15 p.m., being the eighteenth day of the Second Session of 1942, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

Leave for the Assistants of Excise shops.

44. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether he is aware of the fact that in pursuance of an application of the assistants of the Bengal Excise shops for leave and holidays, Mr. D. MacPherson, I.C.S., late Commissioner of Excise, approved of the leave of the said assistants for 45 days in a year? If so, have any steps been taken by the Collector of Excise, Calcutta, and other Excise authorities for the enforcement of the said scheme of holidays? If so, what are they?

(*b*) If not, will he please enquire and direct the Collector of Excise, Calcutta, or the authorities concerned to enforce the said leave of 45 days in order to give relief to the assistants of the Excise shops?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Upendra Nath Barman): (*a*) Mr. MacPherson brought the request of the assistants for the grant of 45 days' leave in a year to the notice of the Calcutta Country Spirit, Opium and Drug Association. That Association passed a resolution to the effect that one month's leave with full pay should be given to the assistants in a year.

(*b*) It is beyond the competence of the department to enforce the leave.

Rai Sahib JATINDRA MOHAN SEN: May I know what has the Country Spirit, Opium and Drug Association got to do with the granting of the leave which has been recommended by Mr. MacPherson?

The Hon'ble Mr. UPENDRA NATH BARMAN: That was an attempt made by the department to bring about a conciliation.

Rai Sahib JATINDRA MOHAN SEN: I do not still understand the answer. If the Commissioner of Excise approved that leave should be granted to assistants of excise shops for 45 days, why was not that recommendation given effect to instead of referring the matter to the Calcutta Country Spirit, Opium and Drug Association? Is not the Government competent to grant leave as recommended by Mr. MacPherson?

The Hon'ble Mr. UPENDRA NATH BARMAN: Not at present, as the excise shops are exempted from the operation of the Bengal Shops and Establishments Act.

Assistants of the Excise shops.

45. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether he is aware that it is the contemplation of the Excise authorities of Calcutta and Bengal to grant promotion to the assistants who have served the vendors of Excise shops honestly and satisfactorily for a long time and having all the requisite qualifications of a licensee, to the promotion of vendors? If so, will he be pleased to state when the said promotion will come into effect and what procedure is being adopted in cases like these? If not, will he be pleased to enquire and let the House know wehther any such action for the promotion is going to be effected?

The Hon'ble Mr. UPENDRA NATH BARMAN: It is not the policy of the department to appoint successful salesmen as excise licensees *en masse*. Selection of licensees is made by Collectors at their discretion under the powers vested in them by the Bengal Excise Act and the Opium Act. Government do not contemplate to interfere with the discretionary powers of the Collectors in the selection of excise licensees. The claims of such salesmen as are outstanding, are considered by the Collectors and at times some are appointed licensees.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of order, Sir. On the 15th September last I asked a question regarding railway accidents. The Hon'ble Minister in charge of the Communications Department then wanted to know whether I referred to all the accidents or any particular accident in which human lives were lost.

The Hon'ble Minister then promised to reply to the question within a short time. For the convenience of the Chair I may read out what the reply was. The Hon'ble Minister's reply was as follows: "I am not sure whether the honourable member refers to all railway accidents or only those which have resulted in the loss of human lives. I shall let the honourable member know the details as soon as I know what he actually means." I said on hearing this reply: "With reference to the reply made by the Hon'ble Minister, I beg to state that at the beginning I had in mind

all the accidents that had taken place during the year; but considering the fact that it was likely to involve much labour and time, I shall be satisfied if only those accidents which resulted in the loss of human lives are mentioned".

Mr. DEPUTY PRESIDENT: Which Hon'ble Minister made that reply?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The Hon'ble Mr. Shamsuddin Khan. I would like to know today whether the reply promised by the Hon'ble Minister then would be forthcoming during this session or not. Moreover, in the list of unanswered question which has been supplied to us, I find that this question has not been included.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I would also like to make a submission in this connection, Sir.

Mr. DEPUTY PRESIDENT: Order, order. Would the Hon'ble Leader of the House kindly enlighten the House on this matter?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I can only communicate with my honourable colleague concerned and ask him to expedite the answer.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, we have been supplied with a long list of unanswered questions which are still pending. From this list we find that some questions of 1941 even are still pending, as well as some questions of this year. We would, therefore, like to know when these questions will be answered by the Hon'ble Ministers. Sir, the right of putting questions is a valued right and privilege and answers to these questions should be given when the House is in session. But I am sorry to have to point out that questions are now being dealt with in a very leisurely fashion. We do not like that our privileges should be curtailed in this way. Hon'ble Ministers must make it a point to answer questions according to the time prescribed in our rules, that is, within 15 days. If in any special case they require more time, they should come here and say that they require more time. That was the practice hitherto but now that practice is not being followed, with the result that the number of questions is accumulating and no answers are forthcoming to questions which are pending for more than one year even. I hope, Sir, you will give a ruling on this point and direct the Hon'ble Ministers to give answers at the proper time or ask for more time to do so.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I can assure the House that the questions which are pending will all be answered as speedily as possible if not in this session, at least in the next session which is likely to be held in December or some time later. I may explain that this difficulty has arisen because of the abnormal times through which we are

passing. Besides, there has been a total dislocation of Government business, a great number of its offices having shifted to other places from Calcutta. That is the main reason for this delay in getting all the questions answered in time.

Adjournment Motion regarding Midnapore cyclone.

Mr. DEPUTY PRESIDENT: Order, order. I have received notice of a motion for adjournment of the House from Mr. Nur Ahmed which runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to take timely steps for the relief of the people of Midnapore and 24-Parganas who have suffered by the devastating cyclone which wrought havoc in these two districts on the 16th October, 1942.

May I take it that the honourable member has the leave of the House to move the motion?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I have no objection to the moving of the adjournment motion of my honqurable friend. I must at the outset, through you, Sir, express my apologies to the House for not being present yesterday when this matter came up. That was due to no act of discourtesy on my part. I was not informed in time. So far as this motion is concerned, there is no question of raising any technical objection. It is a definite matter of urgent public importance and I agree. It is not, however, of recent occurrence: but this is a matter where I do not propose to raise any question of technicalities. It is a matter which ought to be discussed in the House. But may I just make an appeal through you, Sir, to the honourable mover and the Leader of the Opposition? I propose to make a statement on the subject tomorrow and if after hearing that statement the honourable mover desires to move his motion, then he will do so. Today the position is this: I have got to state certain facts before the House and those facts are not available to me in a complete form, because the Secretary to the Revenue Department, who has also been appointed Additional Commissioner of the Burdwan and the Presidency Divisions to deal with the question of relief, came back from Midnapore late last night and I did not get all the facts from him till half past two this afternoon. I shall be prepared to make a statement tomorrow and if that statement is found unsatisfactory to my honourable friends opposite, I shall be glad to answer any accusation which my honourable friends opposite may make with with regard to the proper tackling of the situation.

Mr. NUR AHMED: Sir, I am very thankful to the Hon'ble Revenue Minister for not raising any technical objection. Really this is not a party question. It is a question of life and death. I have not brought this motion in that spirit. I want a full discussion of the situation in this House, so that all the members may express their views regarding the relief

to be given to the people after hearing what arrangements have been made by the Government in this behalf. If the statement that is to be made by the Hon'ble Minister is found satisfactory, I give my solemn assurance that I will withdraw the adjournment motion. But if the statement is made first, then there cannot be any discussion on the statement and other members cannot express their views. So, I appeal to you, Sir, that in that view of the case you will allow me to formally move the motion and initiate discussion so that the other members may get an opportunity to express their views. The Hon'ble Minister may later on make his statement and then I will withdraw my motion.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am deeply grateful to my honourable friend, the Leader of the Opposition, for the assurance which he has been good enough to give us. The tragedy at Midnapore is too deep for words and I am very grateful that that tragedy will not be made either a political or a party question. Speaking for myself, on behalf of Government I shall welcome a discussion because in this matter Government desire co-operation of everybody inside this House and outside. Therefore, if the purpose of my honourable friend is served better by moving his motion formally, then I have nothing to say. But I wanted to make a statement for the purpose of elucidating what steps and measures Government have in the meantime taken in the matter.

The tragedy is of such a magnitude that these relief measures will have to be expanded. Therefore, Sir, with your permission may I take it that if my honourable friend does not agree to my suggestion which I have put forward, namely, to move his adjournment motion after I have made a statement, then I shall be quite prepared to accept his suggestion, namely, to allow him to move his adjournment motion and to have a discussion and then to make my statement. But the difficulty in such a matter is that I may be entangled in a mass of controversies—political, social or economical—which I do not desire to be in, if I can avoid them. Because this is the greatest humanitarian task now facing the province and we must solve it to the satisfaction of all parties concerned.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think it will be better for everybody if the Hon'ble Minister makes the statement first and then the discussion on the adjournment motion is made. Because we will be then in a better position to discuss the whole matter. We have no objection to the Hon'ble Minister making his statement first.

Rai Sahib JATINDRA MOHAN SEN: Sir, may I enquire if after the statement is made, questions can be put to the Hon'ble Minister for elucidating any of the statement that he will make?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: So far as this matter regarding the Midnapore cyclone is concerned, I shall be very glad to answer whatever questions the honourable members desire to put to me.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. The Hon'ble Minister has just now said that he will be glad to answer all questions relating to the Midnapore cyclone. I believe before the Government communiqué was issued, I put in a short-notice question regarding the Midnapore cyclone affair and that question still remains to be answered. I hear that the question has been admitted as an ordinary question. May I know whether that question also will be answered tomorrow?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Mr. Deputy President, Sir, I did not get notice of that question. I think in regard to short-notice questions, the consent of the Minister concerned has got to be obtained before they are admitted and so far as this particular short-notice question is concerned, I remember that no consent was obtained. But as I have already said, I shall be prepared to answer all relevant questions with regard to the Midnapore cyclone affair.

Mr. LALIT CHANDRA DAS: Sir, how is it that our office did not send that question of mine for the consent of the Hon'ble Minister, though I had requested that the consent of the Hon'ble Minister concerned should be obtained?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, need we apportion blame to others in this matter also? This is such an important matter that we have to give a go-by to many of our valued rights and privileges and to many of the sins and acts of omission and commission.

Mr. DEPUTY PRESIDENT: I am just now told that notice of the question was not received in proper time and so it was treated as an ordinary question instead of being treated as a short-notice question. And as such it was not sent to the Hon'ble Minister for his consent.

As regrds the shortness of time of which the Hon'ble Minister complains regarding receipt of the notice of the adjournment motion, I may tell him and the House that it was not due to any fault of the office of the Council Department.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I have made it clear why I could not be present yesterday. And when I said that I had no notice regarding this short-notice question of Mr. Lalit Chandra Das, I cast no reflection upon your office.

Sir BIJOY PRASAD SINGH ROY: Sir, what is the position regarding the Midnapore cyclone affair?

Mr. DEPUTY PRESIDENT: The Hon'ble Mr. Pramatha Nath Banerjee has said that he will make a statement tomorrow and after that if the honourable member, Mr. Nur Ahmed, thinks it necessary to move his adjournment motion regarding the Midnapore cyclone affair, he will do so.

Mr. NUR AHMED: Sir, I asked for permission to move my adjournment motion. Then there will be discussion and the Hon'ble Minister will make a statement. I think that would be a better procedure.

Mr. DEPUTY PRESIDENT: Order, order. You seem to differ from your leader.

Mr. MESBAHUDDIN AHMED: Will there be a discussion after the statement is made?

Khan Sahib ABUL QUASEM: Who is to consider if discussion is necessary?

Mr. DEPUTY PRESIDENT: The mover.

Mr. NUR AHMED: There is another motion. Will that stand over?

Mr. DEPUTY PRESIDENT: Yes.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. DEPUTY PRESIDENT: The House will now take up further consideration of the Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

> "(*3*) The Provincial Government shall appoint a Chairman of the Committee for first five years and thereafter the Committee shall elect its own Chairman from amongst themselves and there shall be a Secretary of the Committee who shall be elected by the members of the Committee from amongst themselves in the prescribed manner."

Before I go into the merits of the question of this amendment, I want to remove some misconception which I find has crept into the minds of some honourable members. Mr. Das yesterday referred to this amendment and stated that I have accepted the principle of nomination. Mr. Das did not get any good ground to oppose my amendment. So he fell upon this amendment for his argument. Sir, in these days of kaleidoscopic changes and startling incidents, it was no wonder to me that Mr. Das will rise to oppose the amendment with such halting arguments. Mr. Das forgot one thing. Mr. Das forgot that if amendment No. 23 had been carried, the question of amendment No. 24 would not arise. Sir, these are alternative amendments to amendment No. 23. As that has been opposed and defeated, so I have to move this. I take it as a lesser evil. Clause 3

provides for the *ex-officio* chairman of the Central Committee and it also provided for an appointed Secretary. Sir, under the clause Government have power to appoint a Chairman of the Committee and I want to restrict it for a term of 5 years only. My honourable friend the Leader of the House while opposing the motion also stated that there was a provision for *ex-officio* chairman in the original Act. Sir, I have great regard for the wisdom and legal acumen of the Leader of the House, but to err is human. He made a mistake and if he had gone through the Act, he would have found that there is no provision for *ex-officio* chairman of the District School Boards in that Act.

That Act was passed in a reactionary and cramping atmosphere in 1930. Since that time much water has flown down the river Hooghly and the world has changed wonderfully; but in spite of that our Hon'ble Leader of the House has come forward with a very reactionary proposal. I want to lessen the evil of this. My proposal is now on the lines of section 8 of the Primary Education Act. This section says. "There shall be a chairman of the Board who shall, until the expiration of two terms of four years mentioned in sub-section (*2*) of section 10 after the first establishment of the Board, be elected by the members of the Board etc. etc.". There is no provision also about an *ex-officio* Secretary in that section. But the Hon'ble the Leader of the House seems to think that there was an official Secretary; but sub-section (*2*) of section 8 says that one of its members was to be elected Secretary by the Board for such period as it thinks fit. Of course, it is not a fact that the chairman would be elected for two terms of four years each in the first instance; he is to be appointed by the Government of the day for that period only; but under section 8, it was not necessary that the District Magistrate alone was to be appointed; Government can appoint any other person as chairman of the District School Board; only it left to itself the right of nominating and appointing the chairman who, however, need not necessarily be the District Magistrate. As regards the Secretary, Sir, there is no such provision in the Act and the Vice-Chairman of the District School Board too was to be elected by the Committee itself. But in this amending Bill the Government has come forward with a proposal about the Director of Public Instruction being chairman *ex-officio*. Sir, what are the objects of constituting this Central Committee? This Committee is going to be formed so that the Government may get the advice of a non-official elected body. Section 5 of the Bill says that Government may refer any matter regarding primary education to this Committee for its opinion. Therefore, the main function of this Committee will be to give advice as regards the supersession of any school board, the quality of work done by a District School Board, the failure of any District School Board to do its duties, delegation of powers to the Union Boards in the matter of the construction and repair of school houses and maintenance of a particular school and the introduction of free and compulsory primary education in certain areas. So, this Committee will be consulted on very important matters. The Director of Public Instruction is the supreme head of the Education Department, and practically all the schemes will be framed by him in that capacity. Now, if the Director of Public Instruction were

to be the chairman of the Committee with his pre-conceived schemes and policies, what would be the position of the other members of this Central Committee? Their position can be easily imagined, for the Director will be able to carry through his schemes as he likes. There will be no independence on the part of the Committee and they will only be registering the wishes of the Director of Public Instruction. Sir, I am speaking from bitter personal experience that the District Magistrate or the Collector or the *ex-officio* official chairman will carry the day and all other members generally agree with the official chairman.

In this view of the matter, I appeal to the members of the House to consider that point because if the Director of Public Instruction is made *ex-officio* chairman for all time, then there will be no use of this Committee. Its uselessness will be lessened and it will practically be a body in name only. Therefore, I have suggested in my amendment that Government should appoint an official chairman for the first five years on the analogy of clause (*a*) of section 6 and section 8. At the time when sections 6 and 8 were passed through the old Council, there was a controversy over the matter when it was proposed that the District Magistrate should be an *ex-officio* member of the District School Board. After a good deal of discussion, it was decided that he would be a member of the board for 8 years. Clause (*a*) of section 6 says that the District Magistrate shall cease to be a member after eight years. In this case, Sir, the Director is made not only a member for all time but he is going to be made a chairman for all time. So, it cannot be supported. I appeal to the members of the House to accept this very reasonable amendment of mine which will give the Government power to have official chairman for the first five years. Government can appoint the Director of Public Instruction or any other officer to it. There is another point. This will be a Central Committee composed of the representatives of more educated and much saner people and there is no necessity of imposing a permanent official chairman over that body. So, I appeal to the members of the House to accept this very reasonable amendment.

Khan Sahib ABUL QUASEM: Sir, I rise to support the amendment that has just been moved by my friend Mr. Nur Ahmed. When this Act, was passed, the Government of the day did not think it necessary that the Director of Public Instruction, who was to be a member of the Committee *ex-officio* under the provision of the Act, should also be the chairman of the Central Advisory Committee. May we enquire what has happened since this Act was passed to lead the Government to the conclusion that it is necessary in the interest of rural primary education that the Director of Public Instruction should be made *ex-officio* chairman of the Committee? What reasons have the present Government found to persuade itself to make the proposal in this amending Bill that the Director of Public Instruction in addition to his being an *ex-officio* member of this Committee by virtue of the Act as it was passed in 1930 should now, 12 years after the Act was passed, be made also *ex-officio* chairman of the Central Committee?

Sir, may we enquire of the Government through you as to what has impelled them to bring forward this proposal? The Hon'ble Minister in charge of this Bill is vouchsafing no reason for not accepting any amendment we move. In the height of his wisdom he says that he need not give any reason to us because he thinks we are too thick-headed to understand any reason. Government may be perfectly satisfied that we have no brains to understand the subtle, esoteric and mysterious reasons which have impelled them to make this proposal in this amending Bill. We admit that we are men of lesser clay and calibre; but we have got a duty by our constituency. We have got to get in black and white the reason of the Government for bringing in this proposal. We have got to know why after a lapse of 12 years since the passing of this Act it has been thought fit to appoint the Director of Public Instruction as *ex-officio* chairman of the Committee permanently. This is, according to us, a retrograde step. Why does the Government, in these progressive times, supported by a party which styles itself as the Progressive Coalition Party—they have specially selected the word "progressive" to describe their party—take this unprogressive step? We expect a definite reply from the Hon'ble Minister. We may not be in a position to appreciate the reason because of lack of brains on our part, as he has said; but there may be people outside who will be able to understand the reason given by Government. Government have had no experience of a non-official chairman presiding over this Committee during these 12 years, because there has been no Committee so far. They cannot, therefore, say that the *non-official* chairman has badly managed the affairs of this Committee.

We could have understood Government, though we might not agree, if they said that the Director of Public Instruction would be *ex-officio* chairman for a short while, for a limited term. But that is not their intention. Government want that the Director of Public Instruction shall be *ex-officio* chairman of this Committee permanently, and so this Committee will never have the opportunity and privilege to elect its own chairman. Sir, in this connection may I read section 3 of this Act? Section 3 says: "A Committee to be called the Central Primary Education Committee shall be constituted in the manner hereinfater provided for the purpose of advising the Provincial Government on all matters which may be or are to be referred to it under this Act." Sir, the Director of Public Instruction as the official head of the Department of Education is and will be always there to advise the Government in his capacity as Director of Public Instruction on educational matters and he has been made a member of this particular Committee by virtue of his office. He need not be made chairman of this Committee by statute. If his opinion is wanted or required, Government can get it for the mere asking. After all, Sir, the function of this Committee will be merely tendering advice to the Government on matters which are to be referred to it by the Government or under this Act. So, the more the Committee is left unfettered in its decision, the better for all concerned. It is no use imposing upon this Committee an official chairman. The Director of Public Instruction would

remain a member and he would be able to influence the opinion of this Committee by his expert knowledge. Government might have left it at that. They now propose, without having any experience of this Committee with a non-official chairman elected by the Committee, that the Director of Public Instruction shall preside permanently over this Committee. The Committee shall have no say in the matter. I think it is a retrograde proposal and open to serious objections from more points of view than one.

Then, Sir, the proposal also is that for the first term of 5 years the secretary will be appointed by the Provincial Government. In both these matters,—in the matter of choosing its chairman and in the matter of choosing the secretary, the Committee was left entirely unfettered and free so far as the Act, as originally passed, was concerned. Now, as I have said, this retrograde proposal is being made without any experience of the working of the Committee according to the constitution proposed for it in this Bill. That is why I began by asking a question, "what are the reason which have led the Government to make this proposal in this amending Bill?" I repeat, Sir, this proposal has got no educational considerations, as its basis and foundation, because when the Act was passed the Government of the day deliberately did not seek to provide in the Act that the chairman and the secretary shall be appointed by the Government. It might be safely presumed that the Government of the day had considered the question of an official chairman and of a secretary being appointed by the Government. They had deliberately rejected such a proposal. Now the Government 12 years after the Act was passed, without any Committee coming into existence in the meantime and therefore without any experience of such a Committee, makes this most retrograde proposal. I think the Government owes it to the House and to the public outside to give a complete exposition of the reasons which have led them to make this proposal. I support the amendment.

Mr. LALIT CHANDRA DAS: Sir, I am not enamoured of many of the proposals that have found place in this amending Bill. I am of opinion that the whole of the Bengal (Rural) Primary Education Act should have been reviewed and a comprehensive amending Bill should have been brought. I am not enamoured of the fact that an official should be the chairman of the Central Committee. But at the same time, I must say that I am not looking upon this question with that amount of emphasis which has been given to it by my friends opposite. If the Bengal Rural Primary Education Act had made this Central Committee all in all, given it all the powers to carry on the administration of the primary education throughout the length and breadth of Bengal and would have made this Committee the sole authority for guiding primary education, then, Sir, I should have thought and felt in the same way as my friends in the Opposition are thinking and feeling. But, knowing as I do, that this Central Primary Education Committee is but a make-show, I am not attaching so much importance to this point as my friends are doing. I would, therefore, draw the attention of my friends of the Opposition to section 3 of the Act. Section 3 runs thus:—"A Committee, to be called

the Central Primary Education Committee, shall be constituted in the manner hereinafter provided, for the purpose of advising"—this is the Central Committee about which the discussion is going on—"advising the Government on all matters which may be or are to be referred to it under this Act". That is the function of the Committee, and it is more or less advisory. Here is going to be constituted a Primary Education Committee whose function would be confined to items of work which will be entrusted to it for consideration by Government. So, we see that the Government is all in all. That is why I was going to say that if the existing Primary Education Act was going to be amended in a comprehensive manner, then that would have assumed a totally different aspect. But with section 3 standing as it does, and as it will continue to remain on the statute book, I must point out that the composition of this Committee is not of great importance. So, I do not attach much importance to the fact the Director of Public Instruction is to be the *ex-officio* Chairman of the Central Committee. Sir, I am entitled to make use of all the printed matter that appears on today's Order Paper, and from this I may explain how the mind of the Opposition is really working——

Khan Sahib ABUL QUASEM: On a point of order, Sir. Members have given notices of many amendments which they may ultimately move or not move; they may in their wisdom—because of the unbending attitude of Government due to the majority that they have got for the time being—not move some of those amendments. So, I submit that Mr. Das cannot refer to all those amendments as the ultimate decision of the particular member concerned and as expressing his final will. He may quite naturally like to change his mind and not move all his amendments, and the fact of his having given notice of certain amendments should not be construed as if they expressed his final will and desire.

Mr. NARESH NATH MOOKERJEE: What is the point of order of the Khan Sahib?

Mr. LALIT CHANDRA DAS: Sir, what I was submitting is this: that each and every member of the House is entitled to make use of the information conveyed through the printed papers which constitute the agenda before the House and from those papers we can know how the mind of Mr. Nur Ahmed is working with regard to the amendments to the clauses of this Bill. As we know, Sir, he has already suggested that the Director of Public Instruction shall be the chairman of the Committee; that is already in the agenda before us and this shows how very serious he is about the motion which he has just now placed before the House. Section 4 of the Act——

Mr. DEPUTY PRESIDENT: Order, order. Mr. Das, the argument advanced by Khan Sahib Abul Quasem has a certain amount of force. There are amendments which have not yet been moved and may not be moved

at all; therefore, you cannot base any argument or conclusion as to the working of any member's mind on those amendments which have not yet been moved.

Mr. LALIT CHANDRA DAS: But, Sir, Mr. Nur Ahmed has not given any undertaking that he is not going to move any of those amendments. Of course, we do not know if he will move those amendments or not. But at any rate, I want a ruling from you, Sir, as to whether I am not entitled to make use of the Order Paper as a whole for purposes of the business in the Chamber and base my arguments on it.

Mr. DEPUTY PRESIDENT: Order, order. It would be better for all concerned if the honourable members on each side of the House did not try to understand any member's mind from his amendments. They should speak, if they have got to speak anything, either in support of or against any amendment that has been moved. It will save much time and trouble.

Mr. LALIT CHANDRA DAS: Sir, I do not like to enter into any controversy about this matter; but I would say without referring to the number of any amendment tabled by members of the Opposition, whether it be No. 25 or No. 27 or any amendment of that sort, that as a matter of fact Mr. Nur Ahmed thinks that the Director of Public Instruction would be the fittest person to be the *ex-officio* chairman of the Committee. (Mr. NUR AHMED: No, no, that is absolutely wrong.) Yes, Sir, that is what I say and that is how his mind is working even if I am not allowed to refer to the amendments tabled by him. Then, Sir, it will appear from section 4 of the existing Act how the Committee was constituted. Section 4 (*1*) (*a*) says that the Director of Public Instruction should be a member of the Committee *ex-officio*. Now, Sir, in the original Act nothing was clearly indicated as to the chairmanship of the Committee. In this amending Bill, the Government have thought it necessary that for the purpose of carrying on the business of the Committee, it should have its own chairman and its own secretary for such work as the Government may in its wisdom refer to it for its consideration. That is what has been done in this amending Bill. So, no serious encroachment has been made by Government by providing that the Director of Public Instruction should be the *ex-officio* chairman of this Committee. With these words, I oppose the motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I support the motion and in doing so I should like to reply to what has been said by my friend Mr. Lalit Chandra Das. Mr. Das has referred to section 3 of the Act and said that this Committee deals with no important matter. But apparently he did not see section 5 of the Act which says definitely what are the functions of this Committee—what are the matters to be referred to that Committee. Those are certainly very important matters.

One is delegation of powers, another is supersession of District School Boards and the third relates to selection of areas where primary education should be made compulsory and so on. These are very important matters and on these the advice of this Committee will be sought. Apparently my friend Mr. Das has not looked them up, and without seeing he said that the Committee will be only in name and will not do anything substantial. Then, Sir, my friend says that he knows what is working in the mind of the honourable mover in tabling the next following amendments where he agrees to the appointment of the Director of Public Instruction as chairman for a limited period. Here, he says that the mover deviated from the principle of having a non-official as chairman. But he ought to have known, being a parliamentarian of some years that several alternative amendments are proposed, because if the first amendment which is the ideal amendment is not acceptable to the Government, the next one which is the next best may be accepted and failing that the next, which is worse than the former two, is suggested for the acceptance of the Government. This is the way in which alternative amendments are given. The subsequent alternative amendments do not indicate the mind of the mover. The mind of the mover is reflected truly in the first ideal amendment; but in case of failure he wants to have the next one which is better than the provision made by the Government and less mischievous. Now, Sir, in connection with a similar amendment we have been told by the Hon'ble Leader of the House that the appointment of a Government officer as permanent chairman is necessary. According to him, since Government pays the money, Government has a right to impose somebody on the Committee as its chairman. But I say what does Government mean? Popular Government means people's Government and it is fit and proper that the people's man should be chairman and not a paid servant of Government. Then again, it is said that Government pays money. But who pays the money? Government means people of the country and money is not brought by anybody from another country. It is our money which is being spent: it may not be the primary education tax, but it is some other tax which is realised from the people of the country: it does not come from some other place. So people of the country must be given complete authority over these things. Then, Sir, analogy has been drawn of the District Boards and other public institutions and it is said that the District Boards could not manage their affairs and as a result many District Boards and Municipalities have been superseded. But does he think that for that reason all District Boards should have the Collectors as chairmen? Can he make a suggestion like this in the 20th century when we have so many District Boards functioning under non-official chairmen? Some of them may be working badly but they will in course of time learn how to work properly. Some of them have been temporarily superseded but I hope that they will again be placed under non-official chairmen. This is a retrograde step and no one even in the days of bureaucratic Government could dare bring in an amendment of this nature before a House consisting mostly of elected members. The old bureaucratic Government could not even think of bringing in such a measure. Perhaps, as my honourable friend says, they belong to

the Progressive Party and so they are entitled to bring in retrograde measures which even the bureaucratic Government could not dream of.

With these words, I support the amendment.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose the amendment moved by my friend Mr. Nur Ahmed. He has said that this is a restrograde and reactionary measure that has been brought forward by me in this House. He might think it reactionary but I must say that this Bill has got the blessing and support of the Lower House consisting of the elected representatives of the people of Bengal and also of a very large section of this House, with the exception of the League Party. Therefore, it appears that I am in a very good company and I have nothing to be ashamed of.

As regards the question put to me pointedly by my honourable friend Mr. Abul Quasem as to how the circumstances have changed since 1931 that although there was no proposal for an *ex-officio* permanent Chairman in the original Act, we have now come forward with this new-fangled idea, according to him. Well, Sir, if we consider the historical aspect of the Primary Education Act of 1930, we cannot shut our eyes to the fact that the Bill was conceived in a moment of intoxication and it was passed into law for purposes other than purely educational. (Sir BIJOY PRASAD SINGH ROY: What is that?) Well, you might ask your ex-colleagues.

Sir BIJOY PRASAD SINGH ROY: Sir, the Hon'ble Minister has made a remark and I would beg of him to explain that fully.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I shall not say any unpleasant thing in the absence of those members. (Sir BIJOY PRASAD SINGH ROY: Because you cannot.) Well, to say the least it was an election stunt for capturing the minds of the Muslim public of Bengal. (Sir BIJOY PRASAD SINGH ROY: There was no election then.) In anticipation of the election. That was done in an election mood. If you want a clearer exposition of this, I will do so during the Third Reading stage of this Bill.

My honourable friend Mr. Abul Quasem knows very well that the existing Act was passed in 1930 and that nothing was done till 1936 in the direction of spreading primary education. That is one thing. The first District Education Advisory Committee was started in Mymensingh in 1937. That was the first institution of its kind under that Act. Up till now, we have not had school boards established in all the districts of Bengal. Therefore, that question—the financial question—did not loom large so long before the eyes of the Government. Now the Government are being asked to budget for considerable expenditure for primary education from the public exchequer every year, that is to say, an additional grant of Rs. 25 lakhs a year. In view of this situation, Government cannot allow any other but their own officer, the highest officer of the Education Department, the

Director of Public Instruction, to sit as the head of the Committee to guide all deliberations on primary education. That is one of the plain and simple reasons. Government cannot entrust this matter to any other man except their own trusted agent of the Education Department. That is the plain reason why Government has thought fit to come forward with this. He will be the chairman of the Committee and control it as far as he possibly can. That is the main reason. No action was taken in this regard before because the whole scheme was not fully functioning. It has now began to function and now is the proper time for the Government to take a large view of the situation and to take necessary steps accordingly.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) The Provincial Government shall appoint a Chairman of the Committee for the first five years and thereafter the Committee shall elect its own Chairman from amongst themselves and there shall be a Secretary of the Committee who shall be elected by the members of the Committee from amongst themselves in the prescribed manner."

The question being put, a division was challenged with the following result:—

AYES—9.

Ahmed, Mr. Mesbahuddin.	Molla, Khan Sahib Subidali.
Ahmed, Mr. Nur.	Momin, Begum Hamida.
Aziz, Khan Sahib Abdul.	Quasem, Khan Sahib Abul.
Hosain, Khan Bahadur Saiyed Muazzamuddin.	Singh Roy, Sir B. P.
	Talukdar, Dr. Kasiruddin.

NOES—21.

Ali, Mr. Altaf.	Maitra, Rai Bahadur S. M.
Barua, Mr. D. L.	Mookerjee, Mr. N. N.
Choudhury, Mr. Moazzemali.	Rahman, Khan Bahadur Ataur.
Chowdhury, Mr. Khorshed Alam.	Rashid, Khan Bahadur Kazi Abdur.
Chowdhury, Khan Bahadur Rozzaqui Haider.	Ray, Rai Sahib J. N.
Cohen, Mr. D. J.	Ray, Mr. N. N.
Das, Mr. L. C.	Roy, Mr. A. D.
Karim, The Hon'ble Khan Bahadur M. Abdul.	Roy, Rai Bahadur R. B.
	Roy Chowdhury, Mr. B. K.
Laidlaw, Mr. W. S. G.	Sanyal, Mr. S. N.
Lamb, Sir T.	Sen, Rai Sahib J. M.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendment—9; against the amendment—21. Therefore, the amendment is negatived.

I think Mr. Nur Ahmed is not going to move amendment No. 25, because it is almost identical with the previous amendment—the differences is very slight.

Mr. NUR AHMED: I shall move it, Sir, because there is difference between the two. One wants official chairman for five years and the other for four years.

Mr. DEPUTY PRESIDENT: All right, then you may move your amendment.

Mr. NUR AHMED: I beg to move that in sub-clause (*2*) of clause 2 of the Bill for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) (*a*) The Director of Public Instruction shall be Chairman of the Committee for first four years and thereafter the Committee shall elect its own Chairman from amongst the elected members of the Committee.

(*b*) The Committee shall elect its own Secretary from amongst the members of the Committee."

Sir, in moving this amendment I have to say a few words. Mr. Lalit Chandra Das has said that I have got no serious objection to the appointment of the Director of Public Instruction as chairman of the Central Committee; so I have tabled this amendment. I am not enamoured of an official Chairman as my honourable friend is. I say that by this alternative amendment I am trying to limit the tenure of office of the chairman. I find that Government has got a fancy for the Director of Public Instruction and from the statement of the Hon'ble Leader of the House it appears that Government wants the Director of Public Instruction, a trusted officer of the Government, to be its chairman. As I am not in favour of an *ex-officio* chairman, I have conceded to some extent to the Government's view and have tabled these alternative amendments with the provision that the Director may be chairman for five or four years and that after that there should be an elected chairman. I have never given up the principle of an elected chairman, as my friend Mr. Das sought to make out. I have kept up that principle always. Only out of deference to Government's anxiety to have the Director as chairman I have tabled these alternative amendments. Then, Sir, in opposing a former amendment of mine the Hon'ble Leader of the House adduced three grounds in justification of the provision to make the Director *ex-officio* chairman. His first ground is that sub-clause (*3*) has been passed elsewhere which is composed entirely of the elected representatives of the people. But may I ask the Hon'ble Leader of the House to go to the people in the countryside with this proposition and watch their reaction on it? I think if he goes to ascertain the opinion of the country regarding this provision of the amending Bill, he will be disillusioned. He will find that the country as a whole is against the provision of appointing an *ex-officio* chairman of the Committee. No Indian will tolerate being treated as a child, as an imbecile, unable to elect a suitable chairman for the deliberations of the Committee.

As regards the second argument that the original Act was passed at a moment of intoxication, as an electioneering stunt, if I remember aright, Sir, the Bill was passed in the teeth of the strongest opposition after the general election held in 1930 and after a hot discussion. As a protest one Hon'ble Minister, Kumar Shib Sekhareswar Roy, resigned. Then, it has been said that large sums of money, to the extent of nearly Rs. 25 lakhs annually, are at present being spent on primary education and that up to 1937 nothing had been done for the improvement of primary education. May I know what is the total expenditure under this head up to 1942? I think that the total expenditure would not exceed Rs. 32 lakhs a year. The Hon'ble the Leader of the House says that Government money should be spent by trusted Government servants, and that the elected representatives of the people of Bengal cannot be trusted in this respect. But that he means that this so-called popular Government have no faith in the people of the province. The Hon'ble Minister-in-charge has got no faith in the people's representatives. With all respect for the Leader of the House, I may submit that perhaps he forgets that the money he speaks of is the people's money. It comes from the tax-payers of Bengal. I do not cast any reflection when I say that even the Director of Public Instruction gets his salary out of the revenues of the province. I never expected the Leader of the House to say that if this money is handed over to the people's representatives, they will misuse the money. It is a very dismal statement.

Sir, it appears that the Government thinks itself apart from the people. It is not representative of the people, nor has it any faith in the people. Sir, as I stated, as the Government have a pronounced weakness for the Director of Public Instruction, so out of respect for their wishes I have tabled this amendment and in my amendment I have provided that the Director of Public Instruction shall be chairman for a term of 5 years only. So, I think, Government should accept this amendment. With these few words, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) (*a*) The Director of Public Instructions shall be Chairman of the Committee for the first four years and thereafter the Committee shall elect its own Chairman from amongst the elected members of the Committee.

(*b*) The Committee shall elect its own Secretary from amongst the members of the Committee."

Khan Sahib ABUL QUASEM: Sir, I rise to support this amendment which has just been moved. I do not find Mr. Lalit Chandra Das in his seat. I wish he were present when I am going to reply to some of the remarks made by him. Members of the Opposition have to give notices of

amendments in order that they may be considered, and, if necessary, accepted by the Government that is in power. The Leader of the Opposition has pointed out why members of the Opposition have to give notices of amendments which sometimes seem to conflict with one another. The reason is plain and obvious to all except to minds so very prejudiced by new party affiliations that they cannot see any reason given by the Opposition. Well, the first amendment that is given notice of is the one that is really desired and then as an alternative a member gives notice of another amendment, because he cannot feel sure that Government will agree to what he desires. But if he could be sure that the first one given notice of will be acceptable to Government, there would be no need for giving notice of an alternative amendment. That is how these different and seemingly contradictory amendments on the same subject have come. Having failed,—as was only to be expected from the present so-called Progressive Coalition Party Government,—to get his first amendment accepted, Mr. Nur Ahmed has given notice of this particular amendment, suggesting, as the second best thing, that the Director of Public Instruction should be chairman of the Committee for a limited number of years, and when the Committee will come of age—after being under the tutelage of an official chairman—it should be trusted to have its own chairman. That is the next proposal made by Mr. Nur Ahmed on the failure of his first proposal. Well, Sir, in replying to a specific question put by him to the Hon'ble Minister in charge of this Bill, the latter gave a reason which has, I must say, simply taken our breath away. He has stated that this Bengal (Rural) Primary Education Act was passed in 1930 because of the "intoxication",—that is the word he actually used,—which the Government of the day was afflicted with. I have respect for the age and experience of the Minister in charge of the Bill. I am much younger than he and I humbly admit that I have no pretension to his experience, wisdom and ability. But even then I cannot help observing that intoxication is to be found not in the sponsors of the original Act of 1930 but in the sponsors of the amending Bill which is before the House. The present Government is under intoxication—intoxication due to the majority which they have for the time being got. They have shut their minds to all arguments; the windows of their minds they have barred, bolted and closed. They are really under a sense of intoxication. A mind which has been working under a sense of intoxication due to an assured majority points the finger of scorn to the Government of the year 1930, saying that that Government was obsessed by a sense of intoxication because of the approach of a general election. But he forgets that there had just been an election and that a fresh election was far off. That Government, therefore, could not be under a sense of intoxication.

That is a historically untrue fact that has been stated by the Hon'ble Minister. Sir, if that word is not to be used at all fittingly in respect of any particular Government, it is the present Government and the present sponsor of this Bill who is leading the present House under a sense of intoxication and who because of the majority that he has got is not advancing any reason or argument and where he is advancing any reason or argument that

reason is surely the negation of any argument and is rather unreason personified and utter.....Sir, I was going to use the word "utter nonsense" but lest it should be ruled out as unparliamentary, I refrain from uttering the word "nonsense", but would content myself with using the words "and was utterly irrelevant and unmeaning" as compared to the arguments that we have advanced from this side of the House. And, Sir, one thing takes my breath away and must have taken away the breath of other members also, I dare say, even of those who are the supporters of the present Government; but perhaps because they have shut the windows of their minds, as I have already said, they fail to feel the enormity of what the Hon'ble Education Minister has uttered, namely, as the Government has got to spend a progressively increasing sum every year from the provincial revenues on account of District School Boards,—he said that as much as 25 lakhs of rupees has had to be budgeted for for the school boards —therefore, as the Government have to provide this money out of their coffer they must make sure that their own salaried officers have a large say or rather the largest say in the matter of spending this huge sum of money. That is the reason advanced by the present Progressive Government in justification of imposing an official chairman. If this is a sign of progressiveness on the part of the present Government, then God help us from this progressiveness! In this connection, I wish to remind the Hon'ble Education Minister that there are such bodies as District Boards in Bengal. These District Boards are allowed to spend the roads cess and the public works cess to the tune of lakhs and lakhs of rupees every year. Sir, there was a time when these District Boards used to be presided over by official chairmen, namely, the District Magistrates. Now, Sir, the Government makes every year a huge contribution from the provincial revenues, a large sum from their own revenues under several heads to these District Boards, but, Sir, who presides over these District Boards now? Not surely the salaried officers of Government, the District Magistrate or the Collector! Rip-Van-Winkle-like, I think the Hon'ble Minister was sleeping all these years and has forgotten completely that these District Boards are no longer presided over by official chairmen but by elected chairmen, elected by the representatives of the district. That is how these District Boards are carrying on their work.

Mr. NARESH NATH MOOKERJEE: On a point of order, Sir. Is my friend relevant? The motion under discussion is about the chairmanship of the Committee and not the spending of money by District Boards.

Khan Sahib ABUL QUASEM: Well, Sir, I may submit that if there ever was any relevancy, there is relevancy in my speech. I was replying to the Hon'ble Minister's argument that as so much money was provided towards the expenses of the primary schools by the Government, Government cannot entrust the spending of that money to any one but its own salaried officers. That is the argument the Hon'ble Minister has advanced. But what do we find in the case of the District Boards? Are not the Government handing over to these boards money collected in

the shape of roads cess and public works cess, and also in addition to this are they not out of the provincial revenues every year making large contributions,—augmentation grants probably they are called—under several heads to be spent by these District Boards which are presided over not by official chairmen or salaried officers of the Government but by chairmen elected by the members of the District Boards themselves? So the argument advanced by the Hon'ble Minister has simply no legs to stand upon. As the Government has deliberately conceded to these District Boards the privilege of electing their own chairmen for their day-to-day business, it is unprogressiveness personified on the part of the present Government to say that they must have a salaried officer of their own to preside over a Committee which has to do with the spending of money provided out of Provincial revenues. That is retrograde: that is not in consonance with facts. Let us remember also that Government contribute money to municipalities which have got their own elected chairmen. The Government now is a popular autonomous Government—the Government now consists of the representatives of the people and the money spent by them is the people's money. After all, Government does not bring the money from the vacuum. It is the people who contribute the money which make up the provincial revenues. The Hon'ble Minister in charge—a popular Minister—a representative of the people—says that the members of the Committee cannot be entrusted to deal with matters which involve the expenditure of a large sum of public money. If the Hon'ble Minister's argument is to hold good, how is it possible for the Government to present every year a budget of several crores to the House of people's representatives—I mean the Bengal Legislature. Now, Sir, who presides over the Legislative Assembly? Who votes the expenditure of these several crores of money year after year? That House is presided over by a person who is a member of the public and who is elected by the people. It is not a Government servant who presides over that body which is entrusted with the task of voting crores and crores of rupees for expenditure under several heads. If the Hon'ble Minister's argument is to hold good, there should be no voting for the expenditure of this huge sum and the Speaker should not be an elected member of the Assembly. I wonder, Sir, how a member of the present so-called Progressive Party Government should give utterance to an opinion which on the face of it is nonsensical. These arguments are silly in the extreme and they cannot for a moment hold water. It is regrettable—it is shameful—that such a pronouncement should be made by a responsible Minister of the Government.

Mr. NARESH NATH MOOKERJEE: Sir, I very much regret to say that the honourable member who has just spoken before me has not supported his party's amendment at all. He has a favourite habit of showering invectives on this side of the House and in his speech he has taken the opportunity to shower invectives on the Hon'ble Minister in charge of the Bill. He accuses us of demoralisation because we have come to the side of Government. He fails to remember that we have clearly and unequivocally on several occasions said that we are not supporting this

Bill as a whole. We know that there are immense possibilities of improvement in this Bill; but why lose sight of the fact that it is only to make provision for two ladies on the Committee and to provide two more seats to the scheduled castes community that this amending Bill has been brought up. He knows that as much as we do. The speech that my honourable friend has just made completely betrays his mind and the mind of the Opposition just as we had expected. Our anticipation has come true. Of course, we were in the Opposition, as you know, for the last four and a half years and they are newcomers as Oppositionists; still we expect on this side of the House that the Opposition should follow some principle. They are in this House to correct and not merely to abuse the Government, even if they are doing something right. The first amendment of the Opposition was that there should be no nominated chairman at all. The second amendment was that the Director of Public Instruction may be appointed as chairman for five years.

Sir, if you permit me I may give you the sense of the amendments that the Opposition is going to move and how its mind is working on this Bill. It is really Opposition for opposition's sake. There is no force in the arguments advanced by the Opposition. The Opposition is merely moving these amendments to get an opportunity, to abuse the Hon'ble the Leader of the House, using invectives and casting flings at us. As a matter of fact, the Leader of the House has repeatedly pointed out that this Committee is merely an advisory Committee and the members of this Committee will be selected from the District School Boards who will be either school teachers of long standing or zemindars of the locality who are interested in education. So it is only right and proper that the deliberations of this Committee, if it is really to function well, should be conducted by a man who is at the head of the Department of Education. The Committee has not begun its work and so we may not be in a position to foresee the difficulties that may lie ahead. The only reason why these amendments have been tabled by the Opposition is to cast flings at their erstwhile colleagues on this side of the House. That is mere wasting the time of the House. If the Opposition has got any suggestions to make, let them be offered so that we may benefit by their suggestions.

Sir BIJOY PRASAD SINGH ROY: Sir, I rise not to make any accusations or to cast aspersions either on the Hon'ble Minister or on his supporters. I desire to make my submission on the amendment before the House. I must say, however, that I regret the observations that have just fallen from my honourable friend Mr. Mookerjee that the Opposition have given notice of these amendments only to hamper Government. Far from it. I would request him to weigh dispassionately the amendments. They have been given in order of merit. The ideal amendment is the first one; if that amendment fails, then the next one is to be moved though the second one is not considered by the Opposition to be an ideal amendment and the amendments are to be pressed in that order and on that principle. Sir, the Opposition in moving these amendments always hope that Government

will consider these amendments dispassionately and will not reject them simply because they have come from the Opposition. Sir, the Opposition do realise that it is their duty, their sacred duty, to help Government and not to hamper legislation in this House. It is in this spirit that these amendments have been sponsored and not in the spirit as suggested by my honourable friend Mr. Mookerjee.

Now, I will turn to the amendment itself. It was certainly regrettable that some of the members of the Government and the Leader of the House should hold the view that as Government contribute as much as Rs. 25 lakhs they must have an officer of their own as Chairman of the Committee. Sir, these are days of non-officialisation. Non-officialisation in our country began from the bottom. At the head of the Municipalities and District Boards we have non-official chairmen. The non-officialisation of the Municipalities began as early as 1885. The right of electing chairman was granted to the members of the District Boards by Lord Ronaldshay's Government in 1918. Since then the District Boards have been enjoying that right. Government contribute on one item—if I remember correctly—nearly 15 lakhs of rupees, namely, for public health organisations. Besides, Government pay large amounts as augmentation grants. Government also allow the District Boards to spend the road cess and public work cess which amount to crores of rupees. It has never been argued on behalf of the Government that they must have the District Magistrate, as they used to have before, as the chairman. It is rather late in the day to advance this argument. Let us turn to the Calcutta Corporation. Before 1924 there used to be an I. C. S. chairman. Will my friend Mr. Mookherjee try to argue that because crores of ratepayers' money are being spent by the Corporation, there should be an official chairman? The Mayor of the Calcutta Corporation is elected by that body. Does not Mr. Mookerjee realise that it is absurd to suggest in the year of grace 1942 that there should be an official at the head of an organisation because public money is spent by that organisation?

Sir, we have got provincial autonomy. My friend the Leader of the House is but a representative of the public. He is a member of Government because he has been returned by his electorate and he represents the people of Bengal in the Cabinet. Otherwise, what are his credentials? Certainly, if he tries to argue that Government must have their officials in Government and not the representatives of the people, then he has to go out and make room for an I. C. S. officer and we shall have once more I. C. S. regime in the Writers' Buildings instead of Mookerjees, Banerjees and of Karims.

Mr. NARESH NATH MOOKERJEE: Sir, on a point of order. I submit the honourable member is not speaking on amendment No. 25. I want your ruling on this matter. I submit he is not speaking on amendment No. 25——

Mr. DEPUTY PRESIDENT: Will you please state your point of order?

Mr. NARESH NATH MOOKERJEE: The honourable member is not speaking with regard to item No. 25. He is speaking with regard to item No. 23. Are you going to allow him to waste the time of the House? He is making a speech which he could have made during the Third Reading. May I have your ruling?

Mr. DEPUTY PRESIDENT: If I have understood the honourable member, he is speaking against the appointment of an official as the chairman of the Committee. The amendment before the House approves of the appointment of an official chairman for a limited period. He is generally speaking against officialisation of the public bodies but I think now that the previous amendment has been lost, he will confine his remarks to officialisation for a limited period.

Sir BIJOY PRASAD SINGH ROY: I will continue my argument, Sir. What is our claim now? Our claim is that there should be a National Government at the Centre. Is that claim consistent with the observations that have fallen from the lips of the members of the Progressive Party that even in a school board there must be an official chairman and that that duty cannot be entrusted to a non-official? Sir, you may remember that his Excellency the Governor used to be the President of the Legislative Council in the old regime. Under the Act of 1919 for the first term of four years the President was appointed by the Governor but after that period the right of electing President was given to the Legislature. And now under the Act of 1935 the Legislature is entitled to elect the Speaker and the President. So we are gradually moving towards non-officialisation; that is the trend. My submission, therefore, is that the principle advocated by Government in this amending Bill goes entirely against that general trend, and the suggestion,—a very honest, and sincere and patriotic suggestion,—of the Opposition is that Government should take into account the fact that they are going against the general trend of public opinion. It is certainly a very helpful suggestion and any Government ought to accept such a suggestion with gratitude and alacrity. My friend Mr. Nur Ahmed originally moved for complete non-officialisation but that amendment having failed, he has now fallen back upon the next best suggestion and I hope the Hon'ble the Leader of the House who is also the Minister in charge of the Bill, will kindly extend his sympathy to this amendment and accept it with a good grace. I would repeat before I resume my seat that this suggestion has been made in a helpful spirit and it should be accepted by Government in the spirit in which it has been offered.

The Hon'ble Khan Bahadur M. ABDUL KARIM: With all respect for the honourable mover of the amendment and also with thanks for what Sir Bijoy Prasad has said, I am sorry I am unable to accept this amendment. I have already sufficiently indicated the reasons for the attitude that Government has taken up in this matter.

Mr. DEPUTY PRESIDENT: Before I put the question, I would like to request the honourable members to take into consideration the fact that we are here for serious business and therefore we should not waste the time of the House by mutual accusations, either on personal or on party lines. Our time would be more usefully spent if the honourable members are good enough to pay more attention to the amendments under consideration than to criticising the principles and policies of their political opponents.

The question before the House is: that in sub-clause (*2*) of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

(*a*) The Director of Public Instruction shall be Chairman of the Committee for first four years and thereafter the Committee shall elect its own Chairman from amongst the elected members of the Committee.

(*b*) The Committee shall elect its own Secretary from amongst the members of the Committee".

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) The Special Officer for Primary Education, Bengal, shall be Chairman for the first term of five years and the Chairman shall thereafter be elected by the members of the Committee from amongst the members of the Committee and the Committee shall elect its own Secretary from amongst the members of the Committee".

In this amendment, I propose that the Special Officer for Primary Education should be the chairman for the first term of five years and this I have conceded out of the normal anxiety of Government for having an official chairman for the Committee. I have no love or admiration for the Special Officer or the Director of Public Instruction; but I simply wanted in this amendment to lessen the evil of having an official as a permanent chairman *ex-officio*. Because my original proposal where I proposed that the chairman and the Secretary should be elected from amongst the members of the Committee has failed, I put up this alternative proposal. I can assure the House, Sir, that I have no mind to oppose the Bill for the sake of opposition or for wasting the time of the House and I emphatically protest against the remark made by Mr. Naresh Nath Mookerjee to that effect.

It is a very vital point the principle of having elected chairman and appointment of an official as *ex-officio* chairman. It is a broad question which has been agitating our mind. In these days when every one is clamouring for a national Government, it is suicidal to support the principle of officialisation. This Special Officer is not a member of the

Committee. But if we refer to sub-section (*c*) of section 2 of the Primary Education Act of 1930 we find that Government can appoint seven members and out of these seven members Government can appoint the Special Officer as one of its members by nomination. So there will be no bar to the Special Officer being the chairman for a period of five years, and thereafter the chairman will be elected. I have suggested the Special Officer in place of the Director to be chairman, because the Special Officer directly deals with primary education: he is responsible for primary education, whereas the Director of Public Instruction generally deals with secondary and higher education. With these words, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*3*), the following be substituted, namely:—

"(*3*) The Special Officer for Primary Education, Bengal, shall be Chairman for the first term of five years and the Chairman shall thereafter be elected by the members of the Committee from amongst the members of the Committee and the Committee shall elect its own Secretary from amongst the members of the Committee".

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: On a point of order, Sir. The Special Officer is not a member of the Committee, so he cannot be proposed as chairman of the Committee——

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Under sub-section (*c*) of section 4, he may be a nominated member, and so Government can appoint him as chairman.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Section 4 says that the Committee shall be constituted for five years at a time and (*c*) says five members to be appointed by the Provincial Government of whom two shall be representatives——

Mr. DEPUTY PRESIDENT: I am very thankful to Mr. Chowdhury for drawing my attention to it. I disallow this amendment.

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section (*3*), the words "for the first term of five years be appointed by the Provincial Government from amongst the elected members of the Board and who shall thereafter" appearing in lines 4 to 8, be omitted.

Sir, the proposed sub-clause (*3*) of clause 2 of the Bill runs thus:—

"(*3*) .....there shall be a Secretary of the Committee who shall for the first term of five years be appointed by the Provincial Government from amongst the elected members of the Board and who shall thereafter be elected in the prescribed manner by the members of the Committee from amongst themselves."

If my amendment is carried, then the sub-clause will read like this: ".....there shall be a Secretary of the Committee who shall be elected in the prescribed manner by the members of the Committee from amongst themselves". I want that the Secretary should be elected and not appointed.

With these few words, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (2) of clause 2 of the Bill, in the proposed sub-section (3), the words "for the first term of five years be appointed by the Provincial Government from amongst the elected members of the Board and who shall thereafter" appearing in lines 4 to 8, be omitted.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (2) of clause 2 of the Bill, in the proposed sub-section (3), the words "for the first term of five years be appointed by the Provincial Government from amongst the elected members of the Board and who shall thereafter" appearing in lines 4 to 8, be omitted.

(The amendment was negatived.)

Change in the hour of sitting on Fridays.

Khan Bahadur ATAUR RAHMAN: Sir, may I request you to fix the hour of the sitting of the Council on Fridays at 3 p.m. instead of at 2-15 p.m. as we experience great difficulty in coming to the House after the *Jumma* prayers?

Khan Sahib ABUL QUASEM: Sir, having regard to the obligation to attend the *Jumma* prayers on Fridays, Khan Bahadur Ataur Rahman is perfectly reasonable in requesting you to fix the time of the sitting of the House on Fridays at 3 p.m. instead of at 2-15 p.m. It will be very proper for you if you will kindly concede to the feeling of the Mussalmans and fix the time at 3 p.m.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We all agree.

Mr. DEPUTY PRESIDENT: As for myself, I also felt the same difficulty on the last occasion. Is it the pleasure of the House that we should meet on Fridays at 3 p.m.?

(Honourable members signified their consent.)

I adjourn the House till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 12th November, 1942.

Members absent.

The following members were absent from the meeting held on the 11th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. S. C. Chakraverti.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. B. C. Datta.
(8) Mr. N. C. Datta.
(9) Mrs. K. D'Rozario.
(10) Mr. K. K. Dutta.
(11) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(12) Mr. R. W. N. Ferguson.
(13) Mr. K. L. Goswami.
(14) Mr. Mohamed Hossain.
(15) Mr. Humayun Kabir.
(16) Khan Bahadur Mohd. Asaf Khan.
(17) Maulana Mohd. Akram Khan.
(18) Mr. J. McFarlane.
(19) Dr. R. K. Mookerjee.
(20) Mr. T. B. Nimmo.
(21) Mr. R. Pal Chowdhury.
(22) Khan Bahadur Muklesur Rahman.
(23) Dr. K. S. Ray.

BGP-4213-9320A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 19.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 12th November, 1942, at 2-15 p.m., being the nineteenth day of the Second Session of 1942, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

Short Adjournment.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I promised to make a statement about the cyclone and flood situation in Midnapore and 24-Parganas districts today. Sir, the statement is going to be, in the main, a written one, because I have to give a number of facts and figures and also to take the House into confidence about the measures adopted so far and the measures which are proposed to be adopted. The whole thing is coming to me in 10 minutes' time. Will you give me 10 minutes' time?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In the meantime, there is another matter in respect of which we were promised a statement from Government, namely, dearth of smaller coins.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Mr. Deputy President, Sir, I promised to make the statement, but I find that the Finance Department has not been able to supply me the necessary information today. I promise to make the statement on the first working day next week. I hope the House will grant me this indulgence.

Mr. DEPUTY PRESIDENT: In view of the statements made by two Hon'ble Ministers, I adjourn the House for 10 minutes.

(The House was then adjourned.)

(The House re-assembled at 2-45 p.m.)

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I regret to say that the statement has not yet come and I cannot say at exactly what time it will reach me. I would, therefore, suggest that the consideration of the Primary Education Bill may go on in the meantime. I have spoken to the Hon'ble the Leader of the Opposition and he has no objection to this course.

Mr. MESBAHUDDIN AHMED: When can we expect the statement? Is it to be today or tomorrow?

Mr. DEPUTY PRESIDENT: Today, to be sure. The statement is expected by the Hon'ble Minister every moment. I agree with the Hon'ble Minister that we should now proceed with the consideration of the Primary Education Bill.

The Bengal (Rural) Primary Education Bill, 1942.

Khan Sahib ABUL QUASEM: May I rise on a point of order regarding sub-clause (*2*) of clause 2 of the Bill—that is to say, sub-clause (*2*) which says that after sub-section (*2*) the following sub-section shall be added, namely:—

> "(*3*) The Director of Public Instruction, Bengal, shall be *ex-officio* Chairman of the Committee, and there shall be a Secretary of the Committee who shall for the first term of five years be appointed, etc., etc."

Mr. DEPUTY PRESIDENT: Which amendment are you referring to?

Khan Sahib ABUL QUASEM: I do not move amendment No. 36 but I would move my amendment No. 38. But before I do so, will you kindly permit me to raise a point of order as regards this clause as it has been proposed in this Bill? My point of order is this: The Bill proposes that there shall be a Secretary appointed for the first term of five years from amongst the elected members of the Board. I want you, Sir, to mark these words: "from amongst the elected members of the Board".

Mr. DEPUTY PRESIDENT: You lay stress on the word "Board"?

Khan Sahib ABUL QUASEM: Yes, Sir. The Board refers to the District School Board. There will be as many School Boards as there are districts in Bengal; but this provision is in connection with the Central Advisory Committee, which will be only one. There will be only one Central Committee for Primary Education for the whole of the province, and it is said that the Secretary of this Committee will be appointed by Government from amongst the elected members of the Board, mind you, Sir, and not of the Committee. Is it then the intention to appoint the Secretary from amongst the various District School Boards and not from the elected members of the Committee? I do not understand what is in the mind of the Hon'ble Minister. A member of a School Board is not necessarily a member of the Central Primary Education Committee, and therefore if the Secretary is chosen from amongst the members of the District School Boards, then the members of the Committee will be deprived of any opportunity of electing their own Secretary from amongst themselves. In short, the proposal is such that I do not pretend to understand

what is exactly meant in this regard. I want a ruling from you, Sir, as presently I shall be moving my amendment. According to the text of the Bill, the Secretary cannot be a member of the Committee and I think this proposal is not in order.

Mr. DEPUTY PRESIDENT: Have you finished?

Khan Sahib ABUL QUASEM: Yes, Sir.

Mr. DEPUTY PRESIDENT: Order, order. If the Bill under consideration is read carefully, I think it will be realised that the word "Board" instead of the word "Committee" has been inserted through oversight. Really speaking, the sponsor of the Bill means "Committee" and not "Board", and I think this correction may be made by the Secretary under rule 68 of our rules. But when I say this I do not stop the moving of the amendment, Mr. Quasem, you may move your amendment if you like; but even if that amendment is not moved, the correction that I have referred to will be made by the Secretary.

Khan Sahib ABUL QUASEM: Sir, I should like to move my amendment.

I beg to move that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section (*3*), for the word "Board" appearing in line 7, the word "Committee" be substituted.

This Bill, Sir, is presented in this House after having been passed by the Assembly. I submit that the word "Board" could not have been inserted through oversight and so it should be corrected by way of amendment——

Mr. DEPUTY PRESIDENT: It is my personal opinion that it may have been inserted through oversight.

Khan Sahib ABUL QUASEM: According to your reading, Sir, it may be an oversight and it may be your opinion. But it was passed by the other House and I think it has been inserted there deliberately. That is why I propose my amendment. May I point out in this connection that the phrase "the Board" according to English grammar means a particular specific Board. In this Act it is intended that there shall be as many District School Boards as there are districts in Bengal. But at present all the districts have not availed themselves of this provision of the Act. Only some districts have had these Boards up till now. So, the phrase "the Board", I submit, according to English grammar, means some specific Board. Now, Sir, Government is providing for a Secretary for this Committee, but why it should go to select a Secretary of the Committee out of the elected members of "the Board" and not out of the elected members of the Committee? Judging by the language used, Government seems to have some particular Board in mind. Therefore, Sir, I submit that the proposal so far as the words "the Board" are concerned, is without any intelligible

meaning. Government in its over-confidence that the Bill in all its details is correct,—impeachably correct,—does not think it necessary to accept an amendment, correcting an obvious mistake which is submitted from this side of the House. The Hon'ble Minister in charge of the Bill may maintain that the phrase "the Board" is quite correct—as the Government of the day is really suffering from "intoxication" having got a majority behind them. But Sir, the fact is there that the phrase "the Board" is a mistake and that the Government should admit their mistake in this House. If this provision is passed into law as it is, there will be real and serious difficulty. If the phrase is retained, there will, in my opinion, be great difficulty in the practical working of this provision. The intention was that Government would be selecting Secretary for the first term of five years from amongst the elected members of the Committee——

Mr. HUMAYUN KABIR: On a point of order, Sir. You were pleased to rule that this is a mistake——

Mr. DEPUTY PRESIDENT: I have not given any ruling. I simply suggested that the word "Board" might have been inserted through oversight.

Mr. HUMAYUN KABIR: If it is only a suggestion and your personal opinion, then the position is otherwise; but you said that it is due to an oversight which——

Mr. DEPUTY PRESIDENT: It was my personal opinion and not my ruling.

Mr. HUMAYUN KABIR: Even if that be so, the speech to which we have listened is probably unnecessary.

Khan Sahib ABUL QUASEM: Sir, this intervention on the part of Mr. Humayun Kabir was simply unnecessary. However, Sir, I repeat that the Government will be doing justice to itself, to the members of this House and to the public for whom this Bill is meant, if it readily accepts my amendment. It has not said definitely what "the Board" means. The word is beautifully and dangerously vague. So, I submit that if the word "Board" is a mistake, it should be replaced by the word "Committee", as I have suggested in my amendment. If the Government had said that the Secretary shall be chosen from among the members of all the District School Boards, I could understand that. But that position, I apprehend, is not in the mind of the Government.

There is another section, I mean section 4 which is sought to be amended, occurs in Chapter II headed "The Central Primary Education Committee". Before that section 4, there is no section which deals with the constitution of the School Boards which is the subject-matter of a subsequent chapter, to be precise, Chapter III. Section 4 occurs in Chapter

II under the heading "Central Primary Education Committee", I repeat. Before that section, the word "Board" does not occur anywhere except in the definition-section, namely, section 2.

With these words, I submit that my point of view may be accepted and the word "Board" may be replaced by the word "Committee".

Md. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section (*3*), for the word "Board" appearing in line 7, the word "Committee" be substituted.

(Khan Bahadur Saiyed Muazzamuddin Hosain rose to speak.)

Mr. DEPUTY PRESIDENT: Khan Bahadur, does it require any more speech?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If the Government accepts the amendment, it will not be necessary to make any speech.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, at first sight certainly it would appear to some that this word "Board" is a mistake for the word "Committee"; but if we consider the clause itself, it would appear that, as a matter of fact, the Committee and the Board, for all practical purposes, are interchangeable terms. Let me explain the matter. The Provincial Committee shall consist of 17 members all told—10 members will be elected by the District School Boards and 7 will be nominated by Government—that is the total strength of the Committee. Therefore, whether you say "elected members of the Board" or "elected members of the Committee",—that does not make any difference, because the Provincial Committee can contain only 10 members elected by the District School Boards. There can be no other members elected who would have any place on the Central Committee. And whether we say 10 members of the Committee or 10 members elected by the District School Boards, it comes to the same thing. It makes no difference. Therefore, my submission is that although at the first sight it would appear that the word "Committee" would have been more clear, yet the sense is not clouded by any other consideration, having regard to the fact that we have it clearly stated in section 4 that the Central Committee would consist of only 10 elected members and all of them would be elected by the District School Boards. My friend says that it might mean a District School Board. I submit, Sir, that the words "elected members of the Board" mean the District School Boards collectively. Here, all the District School Boards are taken in a collective sense and not in individual sense. In that view of the case, my submission is that there is no confusion about this and I do not think that any alteration should be made in the Bill as drafted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The matter has been made worse by the speech of my honourable friend. We all thought, including yourself, that this was only a mistake. But the

explanation which has been given by my friend has made matters still more complicated, for, if that is the meaning, nobody else will understand it except perhaps the sponsor of the Bill or the drafter. Every one including yourself think that this is apparently a mistake. In the Act we find that the definition of "Board" and the definition of "Committee" are separately given. According to the Act "Board" means a District School Board constituted under the Act and "Committee" means the Central Primary Committee constituted under the Act. What does "the" refer to? According to my honourable friend it refers collectively to the members of all the District Boards; but I do not think anybody can stretch his imagination so far as to explain it in that way. I think it is a clear and pure mistake and as you yourself suggested, it could be corrected by the Secretary. In that connection, I would like to say that rule 68 of our rules does not give power to make any and every correction. It gives restricted power. It is definitely mentioned in that connection that the Secretary is empowered to revise complete marginal notes and make purely consequential corrections. These are the only matters which may be dealt with under rule 68. Even if there is a mistake like this, it cannot be corrected under rule 68, I beg to submit, as it is a Bill that has been already passed by the Legislative Assembly. All of us may perhaps remember, that for even a slight correction of a comma, or a semi-colon or even changing a capital letter to a small letter and *vice versa*, this House had to bring in amendments to have them rectified during the time of the late President. If these things could be done by the Secretary, Khan Bahadur Naziruddin Ahmad would not have to take so much trouble for his drafting amendments aimed at correcting verbal errors or punctuation marks, almost a legion in number. We know that many amendments of this nature had to be passed through this House formally. So, I say that rule 68 does not empower correction of this nature. The meaning assigned by the Hon'ble Education Minister to the word "Board" in this connection is altogether meaningless, for nobody reading the phraseology will ever understand it in the way stated by him. It would require the addition of a commentary to the Act if really it should mean what the Hon'ble Minister intends it to mean; but such commentary is not possible in any Legislative Act; it is not permissible. So I think the word, "Board" should be substituted by "Committee" or the drafting should be entirely changed to convey the meaning which the Hon'ble Minister wants the word "Board" to signify. The present wording will not do. If the Hon'ble Minister really means to convey the idea that he has stated, then the draft will have to be changed altogether. Some such phrase as "from amongst the elected members of the Board returned as member to the Committee" will have to be added instead of merely the word "Board". Otherwise, nobody will be able to understand it in that way. I think, Sir, my honourable friend is mistaken if he thinks that the Lower House which passed the Bill really intended to give the word "Board" the meaning which he seeks to give. It is a probable mistake but it cannot be correctly under rule 68. So, I submit that the amendment should be accepted by way of correcting the mistake. With these words, I support the amendment.

Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid the Hon'ble Minister in charge of the Bill has tried to explain the matter in a way which has made confusion worse confounded. He should realise that we are a revising Chamber and it is the duty and privilege of this House to frame the law in such a way that there would be no room for double interpretation. In any case, it is admitted that there is room for different interpretations in this case. In this view of the matter, may I suggest that Government should agree to refer the case to the Advocate-General and ascertain if he is prepared to accept the interpretation that has been attempted to be put on this clause by the Hon'ble Minister?

Khan Bahadur REZAQUL HAIDER CHOUDHURY: Mr. Deputy President, Sir, I think there is apparently a mistake here. With due respect to the view expressed by the Hon'ble Minister in charge of the Bill, I would suggest that it is apparently a mistake for the reason which I will presently state. In the District School Boards there are elected and nominated members. So far as the constitution of the Central Primary Education Committee is concerned, it may even be that a nominated member may be elected to this Central Committee. In that view of the case, it will be meaningless if we retain the word "Board" in place of the word "Committee". So, in the interest of clear understanding, I think it will be better if we accept the word "Committee" in place of the word "Board". Section 4(*1*)(*b*) runs as follows—"ten members of whom two shall be elected in the prescribed manner from each of the five divisions of the province by the members of the District School Boards". So it does not necessarily follow that the Secretary is to be selected from among the ten elected members. The District School Boards may elect to the Central Committee 10 persons who are neither elected nor nominated members of the School Boards. In that view of the case, it is apparent that it is a mistake and I would respectfully suggest to the Hon'ble Minister in charge of the Bill to accept this amendment.

Mr. HUMAYUN KABIR: The interpretations which we have had, as Sir Bijoy Prasad pointed out, created even greater confusion in the mind of the members. If it is, as you suggested, only a verbal alteration which can be made by the Secretary——

Mr. DEPUTY PRESIDENT: Order, order: when I gave my opinion I did not certainly mean it as a ruling so as to be binding on the House. I made it perfectly clear that Khan Sahib Abul Quasem might move his amendment for consideration and discussion and I left it to the judgment of the House. When I expressed my opinion, I simply wanted it to be taken as my personal opinion and not as my ruling.

Mr. HUMAYUN KABIR: I quite realise, Sir, that it was your suggestion and personal opinion and that is why I did not use the word "ruling" or "decision", and used the word "suggestion". Now, Sir, if it is intended that the Secretary shall be elected from among the members

of this Central Committee, then, Sir, I agree with the mover of the amendment that the word "Committee" would be happier and that would express more clearly the intention of the framers of the Bill. But when I read the provisions of the Bill, I am doubtful whether the Government does not want wider power for the choice of the Secretary who may be an elected member of any District School Board instead of limiting the choice to the 10 elected members of the Central Committee. But if it is the intention of the Government to confine the selection to the 10 elected members of the Committee, then the word "Committee" is better than the word "Board". I do not know what the intention of the Government is and I hope that the Hon'ble Minister in charge of the Bill will clear this point. But the word "Board" would be happier, if it is the intention that the Secretaryship may go even outside the 10 elected members of the Central Committee, preferably to a member of the District School Boards, in that case the word "Board" is quite correct. Then, Sir, the second objection raised by Khan Sahib Abul Quasem is that the phrase "the Board" means that a particular Board is intended. But that is not really so. It does not follow that by the use of the phrase "the Board" is meant a particular Board. It has been used here in a distributive sense. But if it is the intention that the Secretary of the Committee shall be selected from among the 10 members of the Central Committee, then the word "Board" should be replaced by the word "Committee". I hope the Hon'ble Minister will enlighten the House on this point. Personally, I think that the selection should be made from a wider sphere. Instead of selecting the Secretary from among the 10 elected members of the Central Committee, I would rather that the Government should have discretion for appointing the Secretary from any of the elected members of the School Boards. But whether that is the intention of the Government or not, I do not know.

The Hon'ble Khan Bahadur M. ABDUL KARIM: As I find that considerable confusion prevails among the members of the different groups as regards the correct interpretation, I would accept the amendment. Even Sir Bijoy Prasad is labouring under some confusion regarding the wording of this amendment. Under these circumstances, I would accept the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: the amendment of Khan Sahib Abul Quasem that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section (*3*), for the words "Board" appearing in line 7, the word "Committee" be substituted.

(The amendment was agreed to.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. DEPUTY PRESIDENT: Clause 3 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that clause 3 of the Bill be omitted.

Sir, clause 3(*hh*) runs as follows:—

"(*hh*) in addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes to be appointed by the Provincial Government, and"; and

(*3*) in clause (*i*)—

(*a*) after the words "teachers of primary schools", the words "possessing the prescribed qualifications" shall be added; and

(*b*) the following proviso shall be added at the end, namely:—

"Provided that no person shall be eligible for election under this clause who is not entitled to vote at such election."

Sir, I move that this clause be omitted. In my view this clause is unnecessary. By this clause Government want to add two members belonging to the Scheduled Castes and to add certain qualifications for the teachers of primary schools. Sir, section 6, clause (*h*) of the Act says: "As many members as there are subdivisions in the district to be appointed by the Provincial Government". So, if the Government so desire, they may appoint one or two Scheduled Caste members. There is no bar for the Government to do so. But why increase the number of members in the Board further? There are already 16 or 17 members who will form a Board. Under section 6 of the Act, the District Magistrate will be an *ex-officio* member, the Subdivisional Magistrates will be *ex-officio* members, the District Inspector of Schools will be an *ex-officio* member, so also the Chairmen of Local Boards, and the Chairman and the Vice-Chairman of the District Board. There are so many members to be nominated by Government. In a district, there may be 4, 5 or 6 subdivisions. In that case there will be so many members nominated by Government. The number of members of the District School Board is already large, what is the good of making it larger. In so doing the efficient working of these Boards may be hampered.

There is no necessity for more nominations. Why the number of nominated members should be increased? There is no need for increasing the number of nominated members. Then, the other part of the clause deals with the teacher and there is a clause that one teacher of primary school be appointed for the first term of 4 years. Under sub-clause (*i*), Government can appoint a primary school teacher for 4 years. After that, he will be elected by the teachers of primary schools. There is no ambiguity. Only a teacher is eligible. I do not know why the Government want to add "possessing the prescribed

qualifications". In the existing Act these very words were inserted while it was in draft form and when the Bill came before the House, the then Legislative Council, these words were omitted. After the lapse of 12 years, the same thing, which the so-called reactionary House refused to incorporate, is proposed to be added by the popular Minister. There is no necessity for it. Teacher of the primary school means teacher of the primary school. What the prescribed qualification is intended for, I do not know. What is the necessity of those prescribed qualifications? There is another proviso, namely, that no person shall be eligible for election under this clause who is not entitled to vote at such election. That question also is not necessary, because franchise is being given to the teachers of the primary schools. A list of teachers can be prepared. I ask why this proviso has been added? On this ground, I want that clause (*3*) be omitted. I appeal to the House to accept my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that clause 3 of the Bill be omitted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, has the statement come by now?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am quite prepared to go on.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We cannot expect that the discussion on the adjournment motion can be finished after the statement is made. It is now going to be 3-25 p.m.

Mr. DEPUTY PRESIDENT: Let us begin at least and see how far we can proceed.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I know how long the Revenue Minister will take?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I shall take half an hour.

Mr. DEPUTY PRESIDENT: Is it the desire of the House that we should hear the statement of the Hon'ble Minister. (Several members from the Government benches: This amendment may be finished first.)

Mr. J. B. ROSS: Sir, as an amendment has been moved, it is the view of my party that it should be finished before the Hon'ble Minister makes his statement.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is also our view, Sir.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I oppose the amendment formally.

Mr. DEPUTY PRESIDENT: On former occasions objection had been raised by the Opposition that the Hon'ble the Leader of the House sometimes without giving any reason against an amendment, simply opposes it. Of course, it is for the Leader of the House to make a speech in reply to the debate or not; I cannot compel him to make a speech if he does not like to do so. But if the consequential interpretation of this is that he has no reason to assign, then he will have to blame himself and no body else.

The question before the House is: that clause 3 of the Bill be omitted.

(The amendment was negatived.)

Statement on the Midnapore cyclone.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Mr. Deputy President, Sir, my first words must be words of humble apology to this House for wasting its time unwittingly. Sir, a heavy cyclone from the Bay passed over seven districts of Bengal on the 16th October, 1942. It began about 7 or 8 o'clock in the morning of the 16th October and spent itself up in the early hours of the morning of the 17th October. In the afternoon of the 16th there was a high tidal bore forced up by the cyclone from the Bay which broke into the mainland and devastated a considerable area in the southern part of Midnapore and 24-Parganas districts. The cyclone was accompanied by heavy rain—at certain places it has been ascertained that it was as heavy as 12 inches in less than 24 hours. All the rivers in these districts were in heavy flood due to the tidal bore, rain and force of wind. In the worst-affected areas, there was a heavy loss of human lives, the present estimate being not less than 10,000 persons in the Midnapore district and not less than 1,000 persons in the 24-Parganas district. The loss of life may, however, turn out to be bigger than this problematic estimate. The loss of cattle was even heavier, nearly 75 per cent. As to houses, practically every *kutcha* house was either severely damaged or destroyed, and only *pucca* houses and corrugated-iron-roofed houses remained with the indelible impress of the ravage on their face.

I shall now try to give the House a detailed idea of the havoc caused by the cyclone, specially in the five coastal thanas of the Midnapore district. In the most severely affected of these areas there were according to the census of 1931, 103,613 occupied houses with a population of 556,125 persons. In nearly the whole of this area practically all the huts have come down and at least 75 per cent. of the cattle has perished. Assuming tht each house had on an average 3 huts and assuming further that 80 per cent. of the families had on an average one head of plough cattle or milch cattle, we find that nearly three lakhs of huts and 60,000 heads of cattle have been destroyed in this belt alone.

In the other thanas of the Tamluk and Contai subdivisions as well as in other police-stations of the Midnapore Sadar and Ghatal subdivisions there were over 4 lakhs of occupied houses with nearly 20 lakhs of people. Even at a moderate estimate about 4 lakhs of huts must have been blown down in this area and the death roll of cattle also should be about 15,000. Thus, nearly seven lakhs of huts have been destroyed making over 15 lakhs of people absolutely homeless and nearly 75,000 heads of plough and milch cattle have disappeared from their pasture fields. The loss of moveable properties such as foodstuffs, clothing, utensils, etc., must have been in proportion to the damage to roads, embankments, etc. The present rough estimate of the Irrigation Department is that the cost of the repair of the Government embankments alone will be over Rs. 20 lakhs.

The news of the cyclone first reached the Revenue Secretary who was present in town during the vacation in the morning of the 19th October. The Collector of the 24-Parganas also rang him up to give the news which referred only to the devastation caused in parts of the Diamond Harbour subdivision. The same afternoon due to the efforts of one of the R. A. F. pilots news came from the Collector of Midnapore that the apprehension of the Collector was that the southern part of Midnapore must have suffered badly. Immediately on, receipt of this news from Midnapore as well as from the 24-Parganas steps were taken to send down relief parties. A relief party was sent down on the 20th October, 1942, with foodstuffs, 12,000 gallons of water and doctors with disinfectants. The Revenue Secretary forwarded a wireless message to the Collector of Midnapore to try to send relief parties from Kolaghat down to the Rupnarayan river to the coastal areas which were practically cut off from the main land. Simultaneously, relief parties were organised from the Revenue Department from Calcutta to reach the coastal areas of Tamluk and Contai subdivisions. These parties left in charge of responsible officers with doctors, disinfectants and with foodstuffs. With the first relief party on the 22nd October, 1942, was sent more than 1,600 maunds of rice: with the second relief party was sent on the 24th October, 1942, 2,500 maunds of rice. The third relief party left on the 28th October, 1942, with about 2,000 maunds of rice and the fourth relief party on the 30th October, 1942, with about 3,000 maunds of rice.

It has been alleged that in this case help did not reach the affected localities as quickly as it is ordinarily done. This is perfectly true and can be largely explained. The factors which prevented immediate help were the following:—

(*i*) breakdown of all telegraphic and telephonic communications;

(*ii*) blocking up of practically all roads in the affected areas by fallen trees.

I myself visited this area. I discovered that on the road from Midnapore to Contai, a distance of 60 miles, every single tree on the road-side had either come down or was remaining in a blasted condition. There

was also political trouble in one of the districts where we were told that it was unsafe for Government officials to work without police escort, and last of all we had lack of transport facilities due to abnormal condition created by the war. The local officers in Midnapore spent the first 4 or 5 days in restoring communications as without the restoration of communications no relief was possible. They then sent out relief though in the conditions prevailing the relief could not be adequate to areas which were then considered unsafe for Government officers. My honourable colleagues, the Minister for Finance and the Minister for Agriculture and Industries and myself accompanied by my Revenue Secretary visited some of the affected areas of the Midnapore district towards the end of October. We discussed with local officers and local people the whole situation and the measures called for by the abnormal situation created. On return to Calcutta Government decided to make the following arrangements to facilitate relief operations in the two districts:—

(1) Release of information about the disaster to the press which had been held up under instructions of the Government of India which were to the effect that no information about weather conditions or information about damages to communications should be disclosed. It would be realised that the war was on. Well, by the time when the information was released communications had been restored.

(2) An Additional Commissioner was appointed to direct and co-ordinate relief operations.

(3) A Special Officer was to be appointed to take charge of relief operations in each of the most affected subdivisions under the direct orders of the Collector of Midnapore.

(4) Certain measures adopted by Government for the purpose of helping the military commitments had to be relaxed.

(5) Steps have since been taken and effect has been given to the items which I have mentioned above. Mr. B. R. Sen, the Revenue Secretary, has been appointed Additional Commissioner, two Special Officers for relief work have already been ordered to join in Midnapore district. Orders have also been issued posting 24 Kanungos to the district to be placed in charge of relief circles consisting of 2 or 3 unions each. Facilities for transport and conveyance have also been expanded and will be further expanded as circumstances permit.

The Additional Commissioner visited Midnapore on the 9th November, 1942, and in consultation with local officials allotted definite areas to non-official relief organisations for the purpose of work. Certain philanthropic societies will engage themselves in grant of immediate relief of food and clothing. I shall quote for the information of the House the detailed

instructions which have been issued by the Additional Commissioner about the relief operations in the affected areas. Three main principles have been accepted:—

(*i*) Relief should be given without any discrimination, that is to say, all those who are in distress should be helped irrespective of their politics.

(*ii*) Non-official co-operation should be sought and facilities will be given to the non-officials to the fullest extent to help in relief work.

(*iii*) Non-political philanthropic societies, if necessary, will be assisted with contributions from Government funds, but political bodies like the Hindu Mahasabha or the Muslim League or others which come forward to work, should work with their own funds. Facilities for doing work should, however, be extended to all.

With regard to the question of organisation of relief, a Special Relief Officer will be appointed to be in charge of relief operations in each of the subdivisions affected. A Deputy Magistrate is under orders of posting to Tamluk and another to Contai. These officers will work under the orders of the Collector in close contact with the Subdivisional Officer. The worst-affected areas will be divided into a number of relief circles, each comprising villages with about 4,000 families or approximately 20,000 people—roughly included within two or three unions. In less-affected areas relief circles should be much bigger—say, two or three in each thana, according to the size of the thana, the density of population and extent of the damage. Each such circle will be placed in charge of a Government officer who will be called Assistant Relief Officer. Non-official bodies who are allotted definite areas to work in will be responsible for the grant of immediate relief in food, clothing, etc. In these areas the main function of the Assistant Relief Officers will be to collect all relevant information about the distress and arrange for distribution of long-term relief, e.g., agricultural loans for house building, purchase of seeds, etc. I may indicate to the House the procedure which we desire to follow. Relief circles and the relief centres will be under Assistant Relief Officer and other staff will be deputed to each centre. As soon as the Assistant Relief Officer arrives at a centre with his staff he will ask the prominent men of every village to make a detailed survey of the families affected and submit a report. These non-official bodies are mainly responsible for the distribution of immediate relief; the workers of these bodies will also be called upon to do the same. The Assistant Relief Officer will have to check the lists and then he will issue ration cards to each family that seeks relief and he will give rations to all claimants for a fortnight after a summary enquiry. As detailed enquiries proceed and final survey lists are obtained the ration register will be revised and the ration will be issued on the basis of this register. All other reliefs can be given on the basis of the survey lists as finally drawn up.

Similar procedure for distribution of immediate relief should be followed by non-official bodies as far as possible.

The question of supplies is also a very important question. In the worst-affected zones most of the markets with their supplies have been destroyed. In the less-affected zones even if the markets have not been completely destroyed, the sources of supplies have been temporarily dislocated. In both series of the zones, therefore, it will be necessary to take steps to ensure an adequate quantity of essential supplies for sale to the people who will not be given gratuitous relief. Sale depôts will have to be opened at the relief centres or at markets selected either direct by Government or through the local traders. Preference will be given necessarily to local traders.

Then there is another important question—the question of transport. A large amount of supplies will have to go from Calcutta. The Additional Commissioner is making arrangements for the despatch of launches and barges in order to carry supplies to certain places in the affected areas, places which are easily approachable from Calcutta by river or by rail. Then arrangements will have to be made for facilitating the transport of relief within the district. A very large number of boats and buses will have to be placed at the disposal of the Relief Officer for certain subdivisions. Special arrangements for transport will have to be made for taking supplies to certain deeply-affected areas. Due to the abnormal situation created in the country certain restrictions were imposed upon transport and upon free movement. Such restrictions must be relaxed if relief work has to proceed satisfactorily. The next question is also a question of extreme urgency. It is the question of water-supply. In the worst-affected zones practically all sources of water-supply other than tube-wells have been polluted by saline water. Immediate steps are being taken to sink tube-wells where possible to bale out saline water from tanks. The Chief Engineer to the Department of Public Health has been asked to reserve tube-well materials for a number of tube-wells so that water-supply can immediately be ensured to the people.

With regard to the question of medical relief, steps have been taken by the Director of Public Health and definite instructions are being issued by him.

So far as gratuitous relief is concerned, the Revenue Department will have to tackle it and possibly they will have to ask for relaxation of some of the rigid rules which apply to such relief ordinarily. We shall have to consider the question of reconstruction of the huts and we shall aim at helping a family to have one ordinary hut for each separate "sleeping unit" plus one small kitchen shed. Gratuitous help for house building will be given to families who are unable to construct their houses from their own existing resources or future income in a reasonable period. As house-building loans are immediately needed, the working principle will be to give this help at first in agricultural loans when there is no time to make a detailed enquiry. If later, on enquiry it is found in any case that the party is so poor as to be unable to repay the loan within a reasonable time the loan would be converted into gratuitous relief.

Then, Sir, we have to provide for families who have lost their bedding, clothing and utensils and who have not the resources to replace them. They will have to be given help in cash or in kind.

Plough cattle will perhaps not be needed before the advent of the new year. But milch cows will be immediately needed. It would be difficult to supply these cattle from the localities for all families who need them. Therefore Government will have to consider this question and it is a question of vital importance to the district. The number of cattle destroyed is not less than 40,000. Even for a 25 per cent. replacement 10,000 cattle will be required.

We have next to consider the question of clearing the lands of sand deposited by flood. Help in cash will have to be given where such lands can be cleared at a reasonable cost. Where large areas have become covered with sand the work of removed may be taken up as test work. We have to give help in cash or in kind for *rabi* crop and other paddy crop and we have to provide for agricultural implements where such implements have been lost.

We have to give agricultural loans and such loans available for the maintenance of a family for the purchase of clothing, bedding, utensils and agricultural implements, for the reconstruction of houses at a minimum scale, for purchase of plough and for the purchase of milch cattle. These works will have to be carried on and enlist I may draw the attention of the honourable members, to that portentious group called the family group.

We have to consider the question of not only of survey list but we have to enquire into the question of roads and embankments and other works needed in the distressed areas.

The question of clearing of canals, the question of clearing out drains, the question of excavation of drinking water wells and irrigation of water-tanks will be undertaken immediately by the Revenue Department. Any extensive work of clearing sand deposits on cultivable lands will be taken up as relief work. We will have also to consider the question of an early repair of the sea dykes and other embankments as the sea dykes will create not only temporary difficulties but unless the actual construction or repair of these embankments and dykes are taken in hand at once they will create trouble for the future as well.

I have given a rough estimate of the vast task of rehabilitation in the distressed areas in the Midnapore and the 24-Parganas districts. I have also given an indication to the House as to the lines on which work is proposed to be carried out. I must say for myself that there have been no acts of omission but believe me when I say that Government has taken all possible steps as soon as the news of this unprecedented calamities reached the Government. For four days these affected areas were cut off from outside world.

Sir, I shall say one word about the political situation. It is a problem which does not affect directly my responsibilities to the Legislature. Honourable members may have read the appeal of His Excellency the

Governor published in the Press this morning. He appeals for the return of normality. Speaking for myself, as Minister in charge entrusted with these very arduous and heavy duties, I feel convinced that the success of the relief in the districts concerned depends on the whole-hearted co-operation of the people themselves. My appeal, therefore, is not to widen nor to deepen the distrust of the administration. My appeal is that every lover of the province specially of these affected areas should see that normal conditions come back so that the people and the Government may in co-operation help the reconstruction of the very important parts of the province which have practically been destroyed by the freaks of Nature.

Sir, I am concerned with the humanitarian aspect of the matter, and I appeal to all concerned to realise that the claims of humanity transcends the bonds of party politics, they transcend the bounds of political controversies. I hope, Sir,—I am appealing through you to this House and to the vast public outside these walls—that each and every one of my distinguished countrymen and women must rise to the height of the occasion and will help in the establishment of a better order of things in these areas which have been ravaged by Nature. I know, Sir, that appeal does not lie against the inscrutable will of Providence but I am sure we shall do our best for the purpose of rendering help to the homeless wanderers, to the orphans, to the children, to the widows, irrespective of considerations of caste, creed and colour. Natural tragedies and calamities like these are the greatest levellers in the story of a nation and along with its travail, let this tragedy brighten our outlook on life. I appeal to all, irrespective of party affiliations, irrespective of political views, irrespective of colour and creed, to come forward to the assistance of the Government for the purpose of mitigating this appalling human suffering. I hope, Sir, I do not appeal in vain.

Mr. NUR AHMED: As arranged yesterday, I wish formally to move my motion. But there is hardly any time for discussion on it.

Mr. DEPUTY PRESIDENT: Do you want to move your motion after the statement of the Hon'ble Minister?

Rai Sahib JATINDRA MOHAN SEN: We object to the adjournment motion being moved. The leave of the House should be taken.

Mr. NUR AHMED: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to take timely steps for the relief of the people of Midnapore and 24-Parganas who have suffered by the devasting cyclone which wrought havoc in these two districts on the 16th October, 1942.

Sir, in moving this adjournment motion——

Mr. DEPUTY PRESIDENT: Order, order. Are you moving the adjournment motion? If the Opposition is serious in moving this adjournment motion, I shall have to fix some time before the actual discussion is taken up, but before I do so, I would appeal to the Hon'ble the Leader of the Opposition to consider very carefully if after the statement made by the Hon'ble Revenue Minister he should be prepared to press this motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it was decided yesterday that some points might have to be cleared up after the Hon'ble Minister had made his statement in the House and therefore it might be necessary to move the adjournment motion formally. We wanted to have a full-dress discussion on the matter. We, of course, do not mean this adjournment motion as any censure against Government; but we wanted a full-dress debate for eliciting full information on all points and with that end in view we want that an opportunity should be given to this side of the House to discuss the matter. So far as I remember, Sir, that was the assurance very kindly given by the Hon'ble Revenue Minister yesterday who said that he would not stand on any technical ground against the admission of the motion and would give the House the fullest opportunity to discuss the matter after he had made his statement. I think that that arrangement stands.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Yesterday I understood the Leader of the Opposition as well as certain other honourable members on this side of the House to say that after hearing the statement they might have to ask questions arising from my statement and for further information, and I gladly agreed to satisfy my honourable friends to the best of my ability: that is all that I promised to do yesterday, so far as I remember.

It is undoubtedly a privilege of His Majesty's Opposition to move adjournment motions but may I say to the Leader of the Opposition through you, Sir, that in a matter like this no useful purpose will be served by taking recourse to a privilege which undoubtedly belongs to the Opposition. If any questions are asked of me—we have still some time left—I shall be very glad to answer any question. I desire to close this chapter of controversy and I have not made my statement or spoken in a controversial vein.

Khan Sahib ABUL QUASEM: Sir, yesterday, in answer to a question which I put you were pleased to say that after hearing the Hon'ble Minister's statement if it was considered necessary to move the adjournment motion of which notice was given by my friend Mr. Nur Ahmed, it would be allowed to be moved. Then I put to you another specific question and as to who was to judge whether it was necessary to move the adjournment motion. To this query you said that it was the member who had given the notice who was to judge. Now, Sir, our Leader has already spoken. This particular adjournment motion we wish to make it quite

clear, Sir, is not at all meant as any kind of censure upon the Government. It is meant only to elucidate certain aspects of the disaster that has befallen the two districts in this province and also to elicit information as to the steps that have been taken or are proposed to be taken by Government for the relief of distress and misery. And it is by means of a discussion carried on along the proper lines and in the proper spirit that this elucidation and clarification is possible. Speaking for myself, Sir, I think that simply asking the Hon'ble Minister a few questions after his statement and having short answers from him will not help the matter very much and for our part I may say without any hesitation that we do not wish to make any political capital out of the disaster that has taken place in the districts of Midnapore and 24-Parganas. Our only object is to have on the floor of this House clarified and elucidated the specific measures of relief that have been initiated already and are going to be initiated by Government and we wish to indicate that some of those measures may not be after all quite adequate having regard to the necessities of the situation. Therefore, Sir, it is necessary that in view of the circumstances, I have stated, you will be pleased to permit us to move this adjournment motion on the clear understanding that it is not going to be treated as a controversial measure by us in this sense that we who belong to the Opposition, do not wish to make political capital out of these tragic happenings and to put the Government in the wrong. That is not our purpose, Sir. Our sincere object is to discuss whether the fullest relief measures have been adopted to give succour to the people who are now suffering from this grievous calamity.

Mr. J. B. ROSS: Sir, it is undoubtedly the privilege of the Opposition to move an adjournment motion. But it is also the privilege of any member of this House to object to the motion in which case the leave of the House has to be taken before the motion can be moved. In this case, following on the statement of the Hon'ble Minister and having heard an objection already from my honourable friend to my left, we on this side of the House, the European Party, support the objection, because, after the statement which has been made by the Hon'ble Minister we do not like the wording of the motion for adjournment.

Mr. LALIT CHANDRA DAS: Sir, the wording of the motion is to the effect that "the failure of the Bengal Government to take timely steps for the relief of the people of Midnapore and 24-Parganas". So, however much my friends of the Opposition may disclaim their intention of censuring the Government, the wording is such that it reflects on the action of Government. It has been said by my friends of the Opposition that they want a discussion with regard to the cyclone situation in the districts of Midnapore and 24-Parganas. To this the Hon'ble Revenue Minister has no objection: neither have we any objection. Now, Sir, the materials for the discussion have been disclosed by the Hon'ble Minister. He has given a detailed exposition of what happened in Midnapore and 24-Parganas and also the steps that have already been taken and are intended to be taken in future. Upon that statement a discussion may very well ensue. But we are not

in favour of any discussion on the adjournment motion that has been tabled by my honourable friend Mr. Nur Ahmed, because its wording is such that it really amounts to a censure on the Government. It is undoubtedly a privilege of the members of the House to oppose such a motion being allowed to be moved, as it is undoubtedly the privilege of the members of the Opposition to move it. So we object to the moving of this motion.

Mr. DEPUTY PRESIDENT: I would like to hear the Leader of the Opposition.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yesterday the understanding was that after the statement of the Hon'ble Minister, we would move the adjournment motion to which no objection would be raised; and then there would be a discussion. It was definitely understood that after the statement the honourable member would formally move the motion and initiate discussion and it was definitely said from this side of the House that the motion was not meant to be a censure motion and it was not to be pressed for a division. That was the clear understanding. If that was not so, we would not have agreed to the statement being made first and would not have agreed to the arrangement. The Hon'ble Minister was kind enough to say that no objection would be raised to this adjournment motion. If the members on the other side had said yesterday that they would object to the moving of this motion, then we would not have agreed to the statement being made first by the Hon'ble Minister. The Hon'ble Minister also was kind enough to say that he did not take any technical objection and that he wanted the matter to be thoroughly discussed on the floor of the House.

Rai Sahib JATINDRA MOHAN SEN: Sir, I find that there is a good deal of confusion in the minds of the members sitting opposite. What the Hon'ble Minister said the other day, and I definitely remember his speech, is that the subject of an adjournment motion must be a definite matter of urgent public importance and of recent occurrence and he quoted the rule of our Bengal Council Procedure Rules governing the adjournment motion——

Mr. DEPUTY PRESIDENT: Order, order. Mr. Sen, at this stage you should not go into the merits of the adjournment motion. You simply say whether you have any objection.

Rai Sahib JATINDRA MOHAN SEN: Sir, what the Hon'ble Minister exactly said was that he would waive any technical objection with regard to the matter only; but as he is not a member of this House he cannot waive any other thing. That is entirely for the House to decide—whether it will allow Mr. Nur Ahmed to move his motion or not. We, on this side of the House, definitely raised our objection to the motion being moved and the Hon'ble Minister cannot take away that right, that privilege

of the House by making any statement in whatever light that statement might be taken. We object to the motion being moved and we refuse to give leave to Mr. Nur Ahmed to move his motion.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Well, Sir, as I am not a member of this honourable House, I cannot say anything in the matter. This is entirely for the House to decide.

Mr. DEPUTY PRESIDENT: Now that there is objection to the adjournment motion being moved, I would ask the honourable members who support this motion to rise in their places.

Mr. MESBAHUDDIN AHMED: But, Sir, you assured us——

Mr. DEPUTY PRESIDENT: Order, order.

Khan Sahib ABUL QUASEM: On a point of personal explanation, Sir. Yesterday we were given to understand definitely that the objection would be waived and that no requisite number of members need rise in their places to give consent to this motion being moved. The position was that if after the statement made by the Hon'ble Minister it was thought necessary,—and you said, Sir, that the mover, Mr. Nur Ahmed, would determine whether it would be necessary—he would move it. Now my humble submission is——

Mr. DEPUTY PRESIDENT: Order, order. Yesterday the arrangement was that after the statement made by the Hon'ble Minister if Mr. Nur Ahmed thinks that he should press his motion then he would be allowed to move his adjournment motion. But it was certainly implicit that if any objection was raised from any quarter,—and objection has now been raised actually,—then according to the rules 13 members would have to rise in their places to signify their assent to the motion being moved. So, I would request the honourable members who support the motion to rise in their places.

(Six honourable members rose in their places.)

As les than 13 members have risen in their places, Mr. Nur Ahmed has not the leave of the House to move his adjournment motion.

I adjourn the House till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Friday, the 13th November, 1942.

Members absent.

The following members were absent from the meeting held on the 12th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. S. C. Chakraverti.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. B. C. Datta.
(8) Mr. N. C. Datta.
(9) Mrs. K. D'Rozario.
(10) Mr. K. K. Dutta.
(11) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(12) Mr. Mohamed Hossain.
(13) Khan Bahadur Mohd. Asaf Khan.
(14) Maulana Mohd. Akrum Khan.
(15) Mr. J. McFarlane.
(16) Mr. N. N. Mookerjee.
(17) Dr. R. K. Mookerjee.
(18) Mr. T. B. Nimmo.
(19) Khan Bahadur Muklesur Rahman.
(20) Dr. K. S. Ray.

BGP-42/3-935/A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 20.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 13th November, 1942, at 3 p.m. being the twentieth day of the Second Session of 1942, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

Futka markets.

48. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if it is a fact that Professor J. A. Todd in his Interim Report has arrived at a definite finding that the Futka markets (in jute and hessian) are undesirable and harmful to the trade and should be abolished?

(b) Is it a fact that the Bengal Chamber of Commerce have recently expressed similar views and have asked the Government to abolish the Futka markets in question?

(c) If so, do the Government propose to abolish the Futka markets as early as possible? If not, why not?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Agriculture and Industries Department): (a) No.

(b) It is understood that representatives of the Indian Jute Mills' Association and of the Bengal Chamber of Commerce and other trade associations had an interview with Hon'ble Minister, Commerce, in January-February last but this department has no knowledge of what took place in that interview.

(c) Does not arise.

Assent by the Governor-General.

Mr. DEPUTY PRESIDENT: I have now to inform the honourable members that the Workmen's Compensation (Bengal Amendment) Bill, 1942, which was passed by both Chambers of the Bengal Legislature has been assented to by His Excellency the Governor-General under the provisions of section 76(1) of the Government of India Act, 1935.

Adjournment motions.

Mr. DEPUTY PRESIDENT: Order, order. I have received notices of several motions for adjournment of the House——

Mr. NUR AHMED: Sir, on the 10th of this month I gave notice of two adjournment motions: one of which was held over at the request of the Hon'ble Minister but refused permission on the next day and another motion still remains to be disposed of.

Mr. DEPUTY PRESIDENT: Don't you want to move it?

Mr. NUR AHMED: Yes, Sir, I want to move it. My motion runs thus: "That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to make proper arrangements for the feeding and clothing of 40 to 60 thousand evacuees mostly Moslems from Arakan and other parts of Burma who have arrived in Chittagong."

Let me at the outset tell the House that I have not moved this motion in a party spirit? I can assure the Hon'ble Minister that I only want information regarding what has been done by this Government in the matter of feeding and clothing this very large number of most unfortunate human beings? Recently, the District Magistrate of Chittagong appealed pathetically for help of all sorts for these men, specially for clothing and feeding these people. There was a definite statement in his appeal that these 60,000 poor Moslems have been driven away from Arakan by circumstances over which they had no control and that these poor people had to leave their hearths and homes as a result of the war with Japan. When Japan attacked their land, they had to leave their hearths and homes taking whatever they could with them. They trudged through the difficult way and it took them about 18 days or a month to come over to India. They were orginally the people of Chittagong, and have therefore come back to Chittagong. Some of these men, as will appear from the District Magistrate's statement, are living without food and clothing——

Mr. DEPUTY PRESIDENT: What are you asking for?

Mr. NUR AHMED: I am pleading for the grant of food and clothing to these poor men.

Mr. DEPUTY PRESIDENT: Have you formally moved your motion?

Mr. NUR AHMED: Yes, Sir, I have done so. But I do not want it to be treated as a censure motion. I only ask for a statement from the Hon'ble Minister and if he makes a statement on the point as to what steps have been taken by the Government to secure the most rudimentary amenities to these evacuees, I shall be content, and I will not press my motion.

Mr. LALIT CHANDRA DAS: Mr. Deputy President, we are unable to follow the speaker. On which adjournment motion he is speaking? There are many adjournment motions down on the order paper of today. We are unable to follow as to which of the motions he has moved and on which he is speaking.

Mr. DEPUTY PRESIDENT: Order, order. I have received, as I have mentioned in the beginning, notices of several adjournment motions to discuss certain definite matters of urgent public importance. I shall take them up one by one. Mr. Nur Ahmed has moved an adjournment motion which stands in his name. Notice of this motion was received on the 10th November. He wants to discuss the failure of the Government of Bengal to make proper arrangements for the feeding and clothing of 40 to 60 thousand evacuees mostly Moslems, from Arakan and other parts of Burma who have arrived in Chittagong. The honourable member says, however, that he formally moves it but would be content with a statement from the Hon'ble Minister-in-charge regarding the steps that have been taken to relieve their distress.

Mr. SACHINDRA NARAYAN SANYAL: In that case, cannot a question serve the purpose?

Mr. DEPUTY PRESIDENT: Is any Hon'ble Minister in a position to make any statement on the subject?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, the question of evacuation and evacuees is usually dealt with by my department, but so far as I am aware, the subject-matter of the motion which has been raised by my honourable friend Mr. Nur Ahmed is not the concern of the Provincial Government. I shall, however, be prepared to enquire into the position and let the House know. So far as I know, Sir, this is primarily the concern of the Government of India. It is true there has been a conflict of jurisdiction about this. I have heard the very short speech delivered by my friend Mr. Nur Ahmed and I shall be quite prepared to state before the House the real position about this conflict. Now, Sir, if it is not the jurisdiction of the Provincial Government, then the motion will be barred by your ruling.

Mr. DEPUTY PRESIDENT: May I take it Mr. Nur Ahmed that you do not press the motion?

Mr. NUR AHMED: I do not press the motion but if a statement is made by the Hon'ble Minister, that will satisfy the House.

Khan Sahib ABUL QUASEM: Sir, may I put a question to the Hon'ble Minister?

Mr. DEPUTY PRESIDENT: Will it not be convenient if you put the question after the Hon'ble Minister has made his statement?

Khan Sahib ABUL QUASEM: I want to put only one question: On hearing it if you allow it, the Hon'ble Minister may answer; but if you do not allow it, he will not answer.

Mr. DEPUTY PRESIDENT: You may put your question; but the Hon'ble Minister need not answer it if he is not in a position to do so.

Khan Sahib ABUL QUASEM: My question is: that these Moslem evacuees are already in this province, that is in Chittagong. In view of this will the Government wait for a decision on the controversy about jurisdiction? It may not be the direct concern of the Provincial Government; but the Provincial Government must have known the fact that these evacuees are in Chittagong for some time past. They are in a bad plight. Are we to understand that the Government do not know their condition and their plight and does it require this adjournment motion and request for a statement and then they will make a statement?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, if this is not a matter for the Provincial Government, then this Government cannot make a statement. The matter will be a matter for the Central Legislature. So far as the specific question asked by Mr. Quasem is concerned, no adjournment motion can be moved on a question of knowledge. It can be moved for an act of omission and commission.

Mr. DEPUTY PRESIDENT: The next motion stands in the name of Mr. Nur Ahmed in which he has asked that the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the imposition of collective fine on Moslem population of Bengal in general and in particular on the Moslem population of Vardahat in Chittagong, Burichang of police-station Burichang, Dharmpur of police-station Kasba in Tippera, and of Kalna in Burdwan as reported in the morning paper *Azad* of 12th November, 1942, by the Ministry of Bengal.

Do you want to move this motion?

Mr. NUR AHMED: Sir, this motion relates to the portfolio of the Hon'ble the Chief Minister, who is also the Home Minister. But as he is not present, this adjournment motion may be held over till the return of the Hon'ble the Chief Minister, and the rule of urgency may be waived.

Mr. DEPUTY PRESIDENT: I think at this stage that question does not come in, as there is no guarantee that objection will not be raised to the moving of the motion.

Mr. NUR AHMED: If the Hon'ble Minister in this case also makes a statement, that will satisfy me: only the question of urgency may be waived.

Mr. DEPUTY PRESIDENT: I think I should decide the matter according to the desire of the House. Is there any objection to this motion being allowed?

Mr. SACHINDRA NARAYAN SANYAL: We object, Sir.

Mr. DEPUTY PRESIDENT: As there is objection, I would request those honourable members to rise in their seats who are in support of leave being granted to Mr. Nur Ahmed to move his adjournment motion.

Mr. DEPUTY PRESIDENT: As less than 13 members have stood in support of the motion, I have to inform the honourable member that he has not the leave of the House to move his adjournment motion.

Mr. HUMAYUN KABIR: On a point of information, Sir. May I enquire if this adjournment motion had been admitted by you. Because, the question of the permission of the House arises only when it has been admitted by the Chair.

Mr. DEPUTY PRESIDENT: Yes, I had admitted the motion.

The next adjournment motions standing in the name of Khan Bahadur Saiyed Muazzamuddin Hosain runs as follows:—

> "That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the unusual delay made by local officers of Contai and Tamluk in sending first report of the cyclone disaster of 16th October which must be responsible for loss of many hundreds of lives."

I find that the motion offends against rule 99 of our Council Procedure Rules which says that "the motion must not revive discussion on a matter which has been discussed in the same session". The subject-matter of this motion was rejected yesterday by the House. So, I disallow this motion.

The next motion stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain and it runs as follows:—

> "That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, that the statement made by the Hon'ble Minister in charge of the Revenue Department on Midnapore cyclone disaster show there was no attempt to give any relief to the disaster-stricken people by the local officers from 16th to 19th within which dates many thousands of people must have perished of starvation and exposure."

This also offends against rule 99. So, I disallow this motion.

The last motion also stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain and it runs as follows:—

> "That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, dilatory method adopted

by Government in sending out relief officers to areas affected by the cyclone disaster in Midnapore district and the dilatory process of giving relief after preparing list of people requiring relief."

This motion is substantially identical with the motion which was rejected yesterday. I disallow this motion also.

Supplementary statement by the Hon'ble Revenue Minister on the Midnapore cyclone situation.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, may I have your permission to make a further short statement about the Midnapore cyclone affair so as to allay all misgivings on the part of the honourable friends of the Opposition?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I put in a short-notice question regarding the Midnapore cyclone situation. May I know whether that short-notice question will be answered by the Hon'ble Minister today?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I can assure the Honourable the Leader of the Opposition that I shall be very glad to answer his short-notice question. But before that I will just make a supplementary statement in order to, as I have already said, allay some misgivings in the minds of the honourable members of the Opposition.

Sir, I shall give certain facts. The disaster took place on two successive dates, 16th October, 1942, and 17th October, 1942. As I indicated in my speech yesterday, practically all communications between the different parts of Midnapore and the headquarters of that district, and Midnapore and Calcutta were stopped. Yet the Collector of Midnapore sent information to the Government at the centre of the province immediately after the disaster, and that was, as I stated, on the 19th October, 1942. The Collector's report is dated 17th October, 1942, as soon as the first cyclone passed over, and it reached the Revenue Secretary of the Government of Bengal on the 20th October, 1942.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why it was not sent by wire?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Wires had all gone and Nature had caused serious sabotage on every means of communication. This particular piece of information reached through a messenger and the messenger took three solid days to travel from Midnapore to Calcutta in view of the fact that even railway communications were cut off. My honourable friends opposite must have seen notices in the Press about dislocation of any railway communication beyond 15 or 20 miles from

Calcutta. Then, Sir, the Collector sent us another report through a messenger. That was his report dated 19th October, 1942. It reached the Revenue Department on the 21st October, 1942. In the first letter the Collector wanted the relaxation of rule 27 of the Treasury Rules with which the Leader of the Opposition has been very familiar all through his distinguished services. That relaxation was allowed. On the 19th October, 1942, the Collector asked for relaxation of rules to the extent of Rs. 20,000. The permission asked for was at once accorded. Then, Sir, as I indicated in my speech yesterday, from the provincial headquarters every single step was taken on and from the 20th October, 1942. The first information reached the Government, as I told you on the 19th October, 1942, at night. Immediately thereafter our departmental officers made every possible—every humanly possible—effort to secure means of transport, including barges and launches. Due to the abnormal condition prevailing in the country my friends will realise the difficulties, but with the assistance of the Commissioners of the Port of Calcutta, to whom Government does owe a debt of gratitude, transport facilities were obtained and then the loading of goods began from the morning of 21st October, 1942. A Special Officer, Babu Nihar Chakrabarty, was sent down forthwith and he reached some of the affected areas on the 22nd October, 1942. Government sanctioned at once agricultural loans to the extent of Rs. 5 lakhs. It also sanctioned a sum of Rs. 24,000 in cash for gratuitous relief and Government also sent foodstuff to the value of Rs. 1 lakh. Therefore, my friends will be labouring under a misapprehension if they believe that the situation was not taken proper stock of, or that all humanly possible efforts were not made by the Government but the difficulties, as I mentioned yesterday, are difficulties which even human efforts cannot allay. As I told the House yesterday, even the roads were blocked from Midnapore to Contai by uprooted trees on both sides of the roads for about 70 miles and it was only with the assistance of the military miners and sappers that the local officers were somehow able to hack their way through. In fact, about three days were taken up over this matter of restoration of communications through this main artery of communication in Midnapore. I can assure my friends on all sides of the House that there was no lack of the application of the humanitarian principle in this matter.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Was any relief given by the District Officer of Midnapore between the 17th and 19th of October when the information reached the Government first? Has Government any information on this point?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I presume the answer must be in the affirmative in view of the fact that the Collector was asking for money for the purpose of granting relief. I read the Collector's two letters very carefully this morning and I find that he was himself greatly upset even about the safety of the town of Midnapore itself where he stated that there were about 20 deaths. The exact figure may be higher

now but at that time to his knowledge he had instances of twenty deaths; he was thus confronted with a very difficult situation, the gravity and abnormality of which my friends may easly realise.

Rai Sahib JATINDRA MOHAN SEN: May I ask a question, Sir? Is it true that the affected areas have been taken charge of by the military authorities?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: That is a question which, I am afraid, I cannot answer in the public interest.

Rai Sahib JATINDRA MOHAN SEN: Is it true that permits are required at present for visiting the affected areas?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: In some instances, I am told, that is so.

Mr. MESBAHUDDIN AHMAD: Is it a fact that the information about the havoc reached the Ministry earlier but that the Ministry waited for Dr. Syamaprasad Mookerjee to come down to Calcutta before they took any decision?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: My honourable friends on the other side and their organisation are always full of Dr. Syamaprasad Mookerjee; but from the statement which I have made it is absolutely clear that the information reached the Government at Calcutta on the 19th October, 1942, at night and steps were being taken on and from the morning of the 20th October, 1942. And unless my honourable friend the Finance Minister is omnipresent, he could not come down to Calcutta from where he was within this short time.

Rai Sahib JATINDRA MOHAN SEN: The Hon'ble Minister has stated that in some instances permits are required: will he please state as to who grants these permits?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Usually the Collector of the distirct.

Rai Sahib JATINDRA MOHAN SEN: Is it a fact that some humanitarian societies have been refused permission to visit the affected areas?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I have heard allegations to that effect and enquiries are being made into this matter.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister please state if it is a fact that even Mr. B. R. Sen, I.C.S., was refused permit to visit the affected areas?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: My friend is drawing largely on his imagination. Mr. B. R. Sen, is a member of the Indian Civil Service, is the Director of Civil Relief and Evacuation throughout the province, and is also the Secretary to Government in the Revenue Department. It is therefore impossible to believe that permits were ever refusd to Mr. B. R. Sen to enter Midnapore and visit the affected areas.

Mr. LALIT CHANDRA DAS: May I enquire when the Military took charge of these areas?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: As I said, in the public interest, I am unable to disclose any information on this point.

Mr. LALIT CHANDRA DAS: May I enquire if aeroplanes could not be freely used for sending information to Calcutta and for sending relief to the affected areas immediately?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Here again I have to answer a hypothetical question; and in addition to the character of its hypotheticality, I have to take shelter behind the bar of public interest and plead inability to answer this question.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: The Hon'ble Minister has said something about the supply of foodstuff; but he said nothing about the supply of clothing to the flood-stricken people.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Clothings were sent to the affected areas. I said in the statement that foodstuffs and other things necessary for the maintenance and upkeep of the people affected have been and are being sent.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: May I know what arrangement has been made to give shelter to the homeless?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: It is very difficult to answer that question. As I indicated yesterday, the number of people affected is nearly 30 lakhs. The number of huts destroyed is in the neighbourhood of 7 lakhs. So, certainly very little could be done with regard to the question of sheltering the homeless.

Begum HAMIDA MOMIN: What arrangements have been made for giving relief to the women and children, particularly medical relief to the women and children who are suffering from the ravages of the flood?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: On the two nights of the cyclone and possibly one or two days thereafter, the Military

were good enough to lend some of their doctors, especially in the case of expectant mothers. After the information reached Calcutta, doctors were sent up with medicines. Not only that: when the three Ministers went down to Midnapore, they took with them the Director of Public Health himself and medical relief was organised, not to the extent perhaps as would have been possible if more time would have been available. But certainly medical relief was sent—nurses were sent—medicines both for the purpose of giving relief to the patients and for the purpose prophylactic were sent.

Begum HAMIDA MOMIN: Are these reliefs being continued? What arrangements have been made for the supply of drinking water?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Not only relief is being continued but attempt is being made to expand it; because, as I have said in the statement, water in the affected areas is polluted and so arrangements will have to be made for the purpose of supplying pure drinking water as soon as circumstances permit.

Khan Sahib ABUL QUASEM: Will the Hon'ble Minister be pleased to state if Government have satisfied themselves that by today relief in the shape of clothing, food, drinking water, medical advice and other supplies reached every affected village of the district?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Speaking for myself, I may say frankly that I am not satisfied yet, because the task is so big. With regard to the second question asked by my honourable friend, namely, whether these articles have reached every single village, I feel doubtful. Even now I am told normal conditions with regard to free communication have not been established in certain portions of the affected areas.

Khan Sahib ABUL QUASEM: Will the Hon'ble Minister be pleased to state what is the area that has not been supplied with necessary medical relief and the number of people who have not been lucky enough to get this relief?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I can very well understand my honourable friend's anxiety, but I can assure my honourable friend that necessary relief has been given to most people. I have not got the details with me but if the honourable member desires to know detailed information, I shall be prepared to make another statement in regard to this matter.

Khan Sahib ABUL QUASEM: Will the Hon'ble Minister be pleased to state if there has not been an outbreak of cholera in some of the affected areas and if the answer be in the affirmative, what steps the Public Health Department of Government have taken to combat this fell disease?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: When the Director of Public Health was with me at Midnapore, he really apprehended an outbreak of an epidemic of cholera and he took certain steps including anti-cholera injections; I put this question to the Collector, who had come here on request and with whom we had two prolonged conferences, but he said that up till the time when he came, fortunately there were no cases of cholera.

Khan Sahib ABUL QUASEM: May I respectfully ask the Hon'ble Minister if his attention was not drawn to a statement which was published in the *Statesman* of yesterday's date by a European gentleman probably, in which it was categorically stated that he had personally come across cholera cases and deaths due to cholera?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: My attention has not been drawn to the statement just now referred to by my honourable friend. I shall certainly look into the matter and cause enquiries to be made and shall also see that steps are taken at the earliest possible opportunity, even today.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state what is the distance between Contai, Tamluk, Midnapore and Calcutta?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, my arithmetic is always very bad before the Legislature, but I think the distance between Kharagpur and Calcutta is 72 miles, between Kharagpur and Midnapore 6 miles, between Midnapore and Contai, I think it is about 60 miles and the distance between Tamluk and Midnapore is roughly about 55 miles.

Mr. K. C. ROY CHOWDHURY: The Hon'ble Minister told us yesterday that the embankments have been destroyed or damaged by the merciless ravages of the cyclone. So, will not these damaged and destroyed embankments hamper food-growing in the near future?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Certainly it will affect the crops not only in the near future but in the future which is not exactly immediate. These embankments will have to be repaired, otherwise the saline water will certainly submerge all the crops.

Mr. K. C. ROY CHOWDHURY: It has been stated by the Hon'ble Minister that these repair works will cost about Rs. 25 lakhs and moreover the question of getting sufficient labourers is there. And during the war it will be difficult to repair these works; in fact, it is doubtful whether these repair works can be completed within 6 or 12 months even. So will it be possible even in one year to repair these embankments?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I can quite see the difficulties visualised by my honourable friend, but the Chief Engineer told me that efforts will have to be made to expedite the repair works of these embankments. I suppose there are some restrictions which will have to be relaxed; and about the question of labourers, there will not be any difficulty, we shall get them in sufficient number. The repair of these embankments will be taken up as test work.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether in order to meet the scarcity of drinking water any tube-wells have been sunk in the affected areas; if so, how many?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Is the honourable member referring to Midnapore or 24-Parganas?

Mr. LALIT CHANDRA DAS: I am referring to the cyclone-affected areas both of Midnapore and 24-Parganas.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: My honourable friend must have seen in the newspapers that the cyclone-affected areas are vast but there are certain areas where havoc of the maximum intensity has been caused, and these areas, as I said, are confined, in the main, to two subdivisions in Midnapore and one in the 24-Parganas. So far as the one in the 24-Parganas is concerned, I sent for the Collector who came and saw me and has asked for tube-well materials in the first instance. The materials have been given and the necessary money sanctioned for the purpose. So far as the two subdivisions in Midnapore are concerned, I am not sure about the figure asked for by the local officer, but it was small in comparison with that taken for Diamond Harbour. But this is due to the fact, I am told by the Collector of Midnapore and by the Deputy Chief Engineer, that tube-wells cannot be sunk in certain coastal belts of the affected areas at Midnapore and therefore steps will have to be taken for "Reserve Tanks" in each village and efforts will also have to be made for the purpose of purifying the water of the tanks. The Director of Public Health has suggested to have these tanks chlorinated and that suggestion is being carried out. But I can at once say that this is a long task and we will be doing our best to see that no lack of pure water is felt in these areas.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: According to the statement, we find that orders have been issued on 24 Kanungoes to go and join. When did they join?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am afraid, I am not sure. I suppose they have joined. Some of them were in the area.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Could they not be sent up by 22nd when relief was sent out from here? Why delay was made, I do not understand?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The Leader of the Opposition knows that the Kanungoes have been rendering invaluable services to the Government. Some of them —quite a large number of them —are being employed in the Revenue Department for payment of compensation to evacuees. Others—quite a large number—have been requisitioned by the Department of Commerce and Labour for the purpose of exercising control and supervision over the question of food-supply in the province and we had very few Kanungoes left and even some of them had to be collected. They have now been employed.

Mr. SACHINDRA NARAYAN SANYAL: What is the amount sanctioned by Government for Midnapore and 24-Parganas respectively for relief work?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: So far as these two districts are concerned, the figures are not before me; but I know agricultural loans to the extent of Rs. 5 lakhs have been sanctioned and gratuitous relief in cash to the extent of Rs. 24,000 has been sanctioned. Besides this, Treasury Rules have been relaxed, so that the Collector has practically very great powers in utilising the funds at the disposal of the Government. But I might allay the anxiety of my honourable friend by saying that in this relief work whatever reasonable money will be required for giving these people a little comfort, must come from the public Exchequer. In this matter the public itself is raising funds for the purpose of supplementing the funds of Government and Government is quite prepared to go up to any reasonable figure for the purpose of giving relief.

Mr. LALIT CHANDRA DAS: Gratuitous relief of Rs. 24,000 is, in my opinion, inadequate.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: It is true, but this amount is not the maximum amount nor is it the final amount. This sum was asked for by the Collector of Midnapore between two dates only, i.e., between the 20th October and 22nd October, 1942.

Mr. LALIT CHANDRA DAS: Has the Collector of Midnapore asked for any further amount for gratuitous relief?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: The Collector is at present in communication with the Revenue Secretary who has been appointed, as I told the House yesterday, Additional Commissioner. I presume in consultation with the Collector he will put forward a demand and whatever the demand may be, that will certainly be sanctioned by Government without stint.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the gratuitous relief being given only after the preparartion of lists after

scrutiny and enquiries, as has been stated by the Hon'ble Minister yesterday, or should not gratuitous relief be given by simply looking at the condition and appearance of the starving people?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: My honourable friend when he gave notice of the adjournment motion which has been shut out by the Chair was under a misapprehension. In the first paragraph of my statement I was referring to the future and not to the past and the amount of relief which has up to now been granted has been granted without any restriction whatever, as has been apprehended in the last line of his motion which he had intended to move.

NON-OFFICIAL BILLS.

Mr. DEPUTY PRESIDENT: Order, order. The House will now take up the motions on Non-official Bills.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: On a point of information, Sir. I sent in a notice for reference of the Hindu Religious Endowment Bill to a Select Committee on the 11th October last——

Mr. DEPUTY PRESIDENT: Order, order. I shall soon be coming to that, Raja Bahadur.

Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

Mr. NUR AHMED: As the Hon'ble Home Minister, to whose department the Bill relates is not present, I do not move the above Bill.

(The Bill was not moved.)

The Bengal Agricultural Debtors (Amendment) Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not move my motion regarding this Bill, as I find that the number of members proposed for the Select Committee has not been drawn up proportionately to the strength of the different parties in this House. So I do not move it now but will give subsequent notice in this regard.

The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1940.

Mr. NUR AHMED: This motion also concerns the department of the Hon'ble Home Minister and as he is absent, I do not move the motion standing in my name to refer the above Bill to a Select Committee.

The Bengal Non-Agricultural Tenancy Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDIN HOSAIN: I beg to move that the Bengal Non-Agricultural Tenancy Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Revenue Department,

(2) Mr. Nur Ahmed,

(3) Mr. Hamidul Huq Chowdhury,

(4) Khan Bahadur Naziruddin Ahmad,

(5) Mr. Moazzemali Chowdhury,

(6) Mr. Humayun Kabir,

and with your permission I want to replace the name of Rai Bahadur Manmatha Nath Bose by Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(7) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(8) Mr. Dhirendra Lal Barua,

(9) Mr. Naresh Nath Mookerji,

(10) Mr. W. B. G. Laidlaw, and

(11) the mover,

with instructions to submit their report by the 22nd December, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this Non-Agricultural Tenancy Bill was introduced by me long before the Government had appointed a committee to enquire into non-agricultural tenancy matters. That committee sat nearly two years back and its report was published more than a year ago; but as yet nothing has been done to introduce a Non-Agricultural Tenancy Bill in the Legislature by the Government. A draft Bill was appended to the report, but in spite of that nothing was done during the last year nor any thing in the present year, in bringing before the House a Bill in accordance with the recommendations of that committee. If the Hon'ble Minister will be pleased to give us an assurance that that Bill will be placed before the House very soon, within a reasonable time, then I shall not press my motion at all. I think Government ought to introduce a Bill at an early date, because it is they who had got through an emergent Non-Agricultural Tenancy Act last year and the life of that Act had to be extended some time back by another year. But even now no such Bill is being introduced in the Legislature. One year's extended term of the emergent Bill will be over after another three or four months and I do not see any prospect of any Bill being passed through this Council within this time. Under these circumstances, unless I get an assurance from the Hon'ble Minister, I will move the motion and

then if the Hon'ble Minister gives that assurance, then I will withdraw it. For the present, I move my motion. In the Tenancy Bill provision has been made for giving permanent rights to occupants of houses and shops in the cities, who are known as *chandina* raiyats. It has been provided in this Bill that they may not be ousted at the sweet will and pleasure of the *zemindars* or their rent may not be enhanced at the sweet will of the landlords. Provision has been made to give them protection against ejectment and rent enhancement. These provisions are very necessary for the protection of the tenants. I hope, Sir, that my motion for referring this Bill to the Select Committee will be accepted by the House, because it is the general opinion of everybody that some sort of protection should be given to this class of tenants. This Bill has been circulated and as many as 18 societies and associations have supported this Bill and some 13 objected to it on various grounds; but the majority is in favour of such a Bill being passed into law. I think the *Chandina* Committee report is also in favour of some such provision. In view of this, I hope my motion for referring the Bill to a Select Committee will be accepted by the House. Of course, the Bill is not faultless and many changes may have to be made. We will have to look up the *Chandina* Committee report and we may have to make substantial changes in the light of that report. So I think if this Bill is referred to a Select Committee, these changes may very well be made there in conformity with the recommendations of the *Chandina* Committee instead of waiting indefinitely for the Government Bill which is not being introduced for the last two years. I, therefore, commend my motion to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Motion moved that the Bengal Non-Agricultural Tenancy Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Revenue Department,

(2) Mr. Nur Ahmed,

(3) Mr. Hamidul Huq Chowdhury,

(4) Khan Bahadur Naziruddin Ahmad,

(5) Mr. Muazzemali Chowdhury,

(6) Mr. Humayun Kabir,

(7) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(8) Mr. Dhirendra Lal Barua,

(9) Mr. Naresh Nath Mookerji,

(10) Mr. W. B. G. Laidlaw, and

(11) the mover,

with instructions to submit their report by the 22nd December, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. DEPUTY PRESIDENT: Is the Hon'ble the Revenue Minister going to move the re-circulation motion?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, the Hon'ble Khan Bahadur M. Abdul Karim will move the motion and then I shall speak on that motion.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I beg to move that the Bengal Non-Agricultural Tenancy Bill, 1940, be re-circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

Mr. DEPUTY PRESIDENT: Amendment moved: that the Bengal Non-Agricultural Tenancy Bill, 1940, be re-circulated for the purpose of eliciting further opinion thereon by the 30th April, 1942.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Mr. Deputy President, Sir, I support the motion moved by the Hon'ble Khan Bahadur M. Abdul Karim. My honourable friend the Leader of the Opposition has asked for an undertaking from me. So far as the principle of the Bill is concerned, he has agreed that Government, by a temporary measure has given effect to his desire to give relief to certain classes of people. But his Bill goes further. He desires to give protection to shopkeepers, owners of factories and godowns. They are people, who, according to my honourable friend, are helpless and require protection. Well, contracts between lessor and lessee with regard to this class of persons are approved by distinguished lawyers. Sir, this Bill has had a chequered career. It was originally introduced in this Council by my honourable friend on the 27th January, 1938, and it has since then during the last 5 years practically been in a state of suspended animation though my friend has won the main object which he had in view. Sir, I am not accustomed to give undertakings. Government has in fact prepared a comprehensive legislative measure which is under consideration at present. As regards the complaint he has made about the delay, well, there has been some delay. But my honourable friend must not forget the fact that the Bill was introduced on the 27th January, 1938, and I took charge of my office as a Minister on the 17th of December, 1941. So, there was no chance of evasion on the part of the present Government to deal with an ameliorative measure of this type. He should realise the abnormal situation which faces the country and also the fact that a legislation of this magnitude and character will absorb the attention not only of the Government of the day but the attention also of the honourable members of the Legislature for weeks and months. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: When will the Government Bill be introduced?) My honourable friend always asks for dates. But is it always possible to give definite dates? On one occasion he wanted me to give a specific date and I said as early as humanly possible whereupon I noticed

a beatific smile on the face of my honourable friend, Khan Sahib Abul Quasem. I find that smile again on his lips, when I make the same answer.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Am I not entitled to a right of reply?

Mr. DEPUTY PRESIDENT: Yes, you have got a right of reply.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Hon'ble Minister has referred to the fact that this Bill was introduced as long ago as 1938. I have already mentioned that it was introduced by me before the *Chandina* Committee was appointed by Government. The last Government put it off by saying that the report of the *Chandina* Committee would have to be taken into consideration after the Government received its report and that Government was going to do all that they could for the protection of non-agricultural tenants in the meantime. So, there was no hurry for any legislation. Sir, it is more than a year that report was received. There is no justification for not yet taking it up. I think Government is already committed to the principle of protection of non-agricultural tenants. There are many ejectment suits which are still pending in courts and people are in great suspense. I think it is only meet and proper that the Government should expedite the matter. Mere saying "as soon as possible" does not help anybody. People remain in great suspense when some new Act is going to be enacted as they do not know what will be the provisions of the Act. So I think it is only proper that it should be hurried up and at the next session Government should introduce this Bill. The Bill has been circulated once before, and if the Hon'ble Minister again wants re-circulation, I cannot agree. But if a Government Bill is introduced, I shall withdraw my Bill.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I can give one assurance, i.e., that it is true that the Ordinance in question will expire, I think, on the 31st March, 1943. If the comprehensive Government Bill is not brought forward within the period of Ordinance, the Ordinance will certainly not be allowed to lapse and it will be extended.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In these circumstances I do not press my motion. With the leave of the House I beg to withdraw my motion.

Mr. DEPUTY PRESIDENT: Is it the pleasure of the House to allow Khan Bahadur Saiyed Muazzamuddin Hosain leave to withdraw his motion.

The House signified its assent and the motion was withdrawn.

The Usurious Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Usurious Loans (Bengal Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Revenue Department,

(2) Khan Bahadur Naziruddin Ahmad.

(3) Mr. W. B. G. Laidlaw,

(4) Mr. Kamini Kumar Dutta,

(5) Mr. Hamidul Huq Chowdhury,

(6) Mr. Lalit Chandra Das,

(7) Mr. Humayun Kabir,

(8) Mr. Khorshed Alam Chowdhury, and

(9) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, this is a very simple Bill containing only two clauses. It seeks to give power to courts to adjust the question of interest in certain cases. Sir, the Usurious Loans Act was passed long ago and in its working certain defects have come out and in many cases court could not give effect to the intention of the Act owing to the defects. In that view, an amendment is necessary. It makes it compulsory for the court to give relief to the debtor, if the court has reason to believe that the transaction was substantially unfair. There is another aspect, Sir. This Bill was circulated for public opinion. About 25 opinions, mostly from District Judges, have been received and with the exception of four or five most of these distinguished Government officials have supported the provisions of my Bill. Let me quote the opinions of two or three District Judges. The District Judge of Noakhali is of the opinion that "the proposed amendment will certainly give wider powers to the courts in cutting down interest whenever they think the transaction in question to be unfair. The provisions of the Bill are free from any objection and are considered necessary". The District Judge of Murshidabad says that "there should be no objection to the proposal. The purpose of the Bill is obvious. The proposed amendments are to act more favourably to the debtor and specially the agriculturist debtor than before". Then, the District Judge of Rangpur says, "I have the honour to say that the provisions of the Bill which aim at granting wider powers to courts to give relief in desirable cases appear to me quite reasonable and I have nothing to say against it", and so on and so forth. I find also that while some bodies have supported the Bill outright some people have done so with amendments. Sir, in this matter I do not stand alone. It has been said that Bengal always is to the fore; but in this matter I find that Bengal is lagging behind. The Punjab has already passed a similar Act and some

other provinces also have done the same. After the passing of the Bengal Money-lenders Act in 1939, it is necessary to have such an Act inasmuch as the provisions of that Act do not apply in all cases. Some cases have been excluded from the operation of that Act and therefore it is necessary that this amending Bill should be passed. With these words, I commend my Bill to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Motion moved: That the V.—The Usurious Loans (Bengal Amentment) Bill 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Revenue Department,

(2) Khan Bahadur Naziruddin Ahmad,

(3) Mr. W. B. G. Laidlaw,

(4) Mr. Kamini Kumar Dutta,

(5) Mr. Hamidul Huq Chowdhury,

(6) Mr. Lalit Chandra Das,

(7) Mr. Humayun Kabir,

(8) Mr. Khorshed Alam Chowdhury, and

(9) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: On a point of order, Sir. May we know if the Hon'ble Mr. Pramatha Nath Banerjee who is a member of the other House can preside over a Select Committee of this House? There has been a long discussion elsewhere over this matter and it has been decided that a non-member Minister cannot do so.

Mr. LALIT CHANDRA DAS: No question of presiding over a Select Committee arises in this connection: the motion before the House is about the names of members of the Select Committee.

Mr. DEPUTY PRESIDENT: Yes. An Hon'ble Minister though he is not a member of this House may serve as a member of a committee. But whether he can act as the chairman of a committee, that question is not before the House.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Am I to understand that he will not be able to preside.

Mr. DEPUTY PRESIDENT: I do not think I have said anything like that.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I beg to move that the Usurious Loans (Bengal Amendment) Bill, 1940, be circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

Mr. DEPUTY PRESIDENT: Amendment moved: that the Usurious Loans (Bengal Amendment) Bill, 1940, be circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I rise to support the motion of my honourable friend the Leader of the House that the Bill be re-circulated for the purpose of eliciting opinion thereon by the 30th April, 1943. I will not refer to the question raised by the Raja Bahadur as to whether a Minister who is not a member of the House can preside over the meeting of the Select Committee or not. I am not going to answer that question. Under section 60 of the Government of India Act a Minister who is not a member of this House is entitled to speak and take part in the deliberations of the House or any committees of the House, but he has no right of vote. That is the position. So far as my friend's Bill is concerned, it has gone through many vicissitudes of fortune in the matter of its stagnation. My honourable friend has suffered so many disappointments in the matter of this Bill that he might as well wait a little. The economic life of this province is not well. In fact, with regard to the other fiscal legislative matter passed by the Legislature in its wisdom, I received reports from persons competent to speak about this that such fiscal measures are having a sad effect upon the financial solvency of the province as a whole and that rural credit is drying up. That is a question which my honourable friend as well as the Government of the day must take into consideration. In my honourable friend's Bill called the Usurious Loans (Bengal Amendment) Bill, 1940, he has laid stress upon section 3 of the Bill and section 2 which purports to amend section 3 of the Usurious Loans Act of 1918. Those two sections have financial implications of extensive character and I will request my honourable friend to withdraw the Bill for the time being notwithstanding my honourable friend's optimism. War, cyclone, flood—they have created such an abnormal situation that I am in doubt whether any legislation of this kind should be referred to a Select Committee at this state of our economic life.

Mr. NUR AHMED: Sir, in requesting me to withdraw my motion for referring it to a Select Committee, the Hon'ble Minister has advanced the argument that the economic situation of the country being very critical at present, if the Bill is enacted into law, it may aggravate the economic condition of the country. But I may say that if this Bill is passed, it will affect a very few cases. The Money-lenders Act is there and practically it will act on a very few cases. So, I think the amendment is necessary. So, if that Bengal Money-lenders Act is still on the Statute Book, with all respect to the Hon'ble Minister I submit that I fail to realise how the passing of this Bill will aggravate the economic condition of the people of Bengal. On the other hand, I find that it is necessary that the debtors should get

some relief, because they have been affected very much by the economic crisis. Therefore, Sir, I do not find any cogent reason for withdrawing my motion.

Mr. DEPUTY PRESIDENT: Do you want to withdraw your motion?

Mr. NUR AHMED: No, Sir.

Mr. DEPUTY PRESIDENT: Amendment moved: that the Usurious Loans (Bengal Amendment) Bill, 1940, be re-circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

(The motion was agreed to.)

The Bengal Municipal (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, before I move my motion I want your permission and the permission of the House to replace the name of Rai Bahadur Manmatha Nath Bose in the Select Committee by Raja Bahadur Bhupendra Narayan Sinha, of Nashipur and the figure three in respect to the quorum be replaced by four.

(The House gave him the permission.)

Sir, I beg to move that the Bengal Municipal (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Santosh Kumar Basu, Minister in charge of the Public Health and Local Self-Government Department,
(2) Mr. Bankim Chandra Dutta,
(3) Mr. Kanai Lal Goswami,
(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(5) Khan Bahadur Saiyed Muazzamuddin Hosain,
(6) Khan Bahadur Abdul Hamid Chowdhury,
(7) Mr. J. B. Ross,
(8) Mr. Moazzemali Chowdhury,
(9) Mr. Mesbahuddin Ahmed,
(10) Mr. Dhirendra Lal Barua, and
(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Khan Sahib ABUL QUASEM: Sir, the time is up.

Mr. DEPUTY PRESIDENT: We commenced late today and that at your request.

Motion moved that the Bengal Municipal (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Santosh Kumar Basu, Minister in charge of the Public Health and Local Self-Government Department,
(2) Mr. Bankim Chandra Dutta,
(3) Mr. Kanai Lal Goswami,
(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(5) Khan Bahadur Saiyed Muazzmuddin Hosain,
(6) Khan Bahadur Abdul Hamid Chowdhury,
(7) Mr. J. B. Ross,
(8) Mr. Moazzemali Chowdhury,
(9) Mr. Mesbahuddin Ahmed,
(10) Mr. Dhirendra Lal Barua, and
(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. DEPUTY PRESIDENT: I would like to draw the attention of the House to Standing Order 10. It lays down that unless otherwise fixed by the House, "the quorum shall be one-third of the total number of members of the Select Committee". I will just read Standing Order 10. It runs as follows:—"In the case of a quorum of a Select Committee not being fixed by the Council, the number of members of a Select Committee whose presence shall be necessary for the purpose of forming a quorum, shall be one-third the total number of members of the Select Committee, or if the total number of members is not three or a multiple of three, then the number next higher than one-third of such number shall form a quorum."

I want to know what is the desire of the House.

Mr. NUR AHMED: May I change the word "3" by "4" with the leave of the House? (Cries of "Yes, Yes".)

Mr. DEPUTY PRESIDENT: I could not follow you, Mr. Nur Ahmed. Do you want to move it as a short-notice amendment. In that case, I shall have to ascertain the views of the House for accepting a short-notice amendment.

(The House signified its assent.)

Mr. NUR AHMED: I move that in the last line of the motion, for the word "3" the word "4" be substituted.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I rise on a point of order. Representation of the different parties of the House, as I understand, has not been reflected from the position of the motion moved by my friend.

Mr. DEPUTY PRESIDENT: I fully appreciate the points raised by the Hon'ble Minister. But before I give my ruling on this point, I should like the Hon'ble Minister to consider if he is in a position to accept the principle underlying the motion. That is the main point for determination. If he can accept the main principle underlying this Bill, then and then only he should raise the question. Otherwise, it is useless to raise the point as to the constitution of the Committee.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am unable to accept the underlying principle.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I move that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 31st March, 1943.

Mr. DEPUTY PRESIDENT: Motion moved that the Bengal Municipal (Amendment) Bill, 1940, be re-circulated for the purpose of eliciting further opinion thereon by the 31st March, 1943.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I have to support the motion moved by my honourable friend, the Leader of the House. The motion involves many questions of principle and policy. The mover wants to introduce far-reaching changes in the present system of municipal administration of the province. He wishes to introduce adult franchise. He desires to abolish nomination. Many of these objects are objects of commendation. But these matters require very careful and detailed consideration in consultation with public opinion—not the public opinion which is usually invited by every member of the House. The question of comprehensive amendments to the Bengal Municipal Act, 1932, with a view to bringing it up-to-date with ideas of municipal self-government incorporated into it, is pending before Government, and in view of these things may I request the honourable member to accept the motion for re-circulation of the Bill or in the alternative to withdraw the Bill?

Mr. NUR AHMED: Sir, I of course admit that this Bill deals with two very vital questions—one is the question of nomination and the other of adult franchise. As regards nomination, Government has already accepted the principle in an amending Bill in this very House, viz., in the Bill introduced by my learned friend Mr. Humayun Kabir. That Bill was referred to Select Committee on one point only, and that was the abolition of the system of nomination in the district boards. If the honourable Minister will agree, I can give him an assurance that I shall not press the

question of adult franchise in my Bill but will deal with one point only, viz., with nomination. If nomination can be abolished in relation to district boards, I think there is very good reason for the abolition of nomination in the municipalities also. I have provided an alternative also in my Bill for the representation of special industries and industrial labour. If that question arises there is a provision for that also in my Bill. If nomination goes then the Government will be in a difficulty to provide representation of labour and industry, that is why I have provided for that also. If the Hon'ble Minister agrees on this point, then I can give him the assurance that I will not raise any other question as in the other clauses of my Bill.

Mr. DEPUTY PRESIDENT: The question before the House is that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 31st March 1943.

(The motion was agreed to.)

The Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

Mr. NUR AHMED: Before I move my motion, may I with the leave of the House move that the figure about the quorum be altered in the following manner: that the word "three" be replaced by the word "four"?

(The House gave him this permission.)

Now I move that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be referred to a Select Committe consisting of—

(1) the Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Judicial and Legislative Department,

(2) Begum Hamida Momin,

(3) Khan Bahadur Saiyed Muazzamuddin Hosain,

(4) Mr. J. B. Ross,

(5) Mr. Shrish Chandra Chakraverty,

(6) Mr. Lalit Chandra Das,

(7) Khan Bahadur Ataur Rahman,

(8) Mr. Khorshed Alam Chowdhury,

(9) Rai Sahib Jatindra Mohan Sen,

(10) Khan Bahadur Abdul Hamid Chowdhury, and

(11) the mover,

with instructions to submit their report within three months from of reference that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, in moving this motion I need make only a very few remarks about the scope of my Bill. My Bill deals principally with one aspect of the

economic life of the Muslims of Bengal, namely, with expenditure on the occasions of their marriage. This Bill gives the Government power to make rules in consultation with Muslim members of the Legislature which will restrict expenditure on Muslim marriages. It is an admitted fact the Muslims as a community are very poor and at the same time very extravagant in matters of marriage expenses. There are many instances where it will be found that poor Muslims have spent much more than they can afford. Even they mortgage their homestead and their all to meet the expenses of the marriage of their sons and daughters. So it is necessary that some sort of social legislation should be provided to put a restriction on such extravagance. It may be said that such sort of legislation very rarely proves effective and remains a dead letter. The provision of this Bill is that—"When a Moslem girl is botrothed or married no person shall at the time of or after such betrothal or marriage incur any expenditure other than the expenditure referred to in the list. This list shall contain particular items of expenditure to be incurred and the maximum amount of expenditure authorised thereunder and the occasions in which and the persons by whom such expenditure shall be made: provided that the aggragate amount of such expenditure shall not exceed (*a*) where the list is made by a *panchayet* or a *sardar* of the *mahalla* from the date of betrothal or of final settlement of marriage contract until the expiry of two years from the date of marriage, rupees five hundred, for subsequent three years at the rate of rupees fifty per year; and (*b*) where the list is made by the Provincial Government may, after previous consultation with the Moslem members of the Bengal Legislature, fix such definite amount as a maximum sum up to which expenditure at a Moslem wedding in Bengal may be incurred and may prescribe necessary rules to regulate the same: provided further that the Provincial Government may, after such consultation with the Moslem members, prescribe an uniform and general scale and standard of expenditure for any or all Moslem marriages in Bengal." Then, Sir, there is a rule-making power as regards marriage and other things. This is not a new thing and a new innovation. The Republic of Turkey passed such legislation. They have legislated limiting the expenses of marriage and I have drawn my Bill practically on similar lines. Not only in Turkey but in China there is such a legislation and in the Indian States there is such legislation. Of course, I find that an amendment has been tabled for the circulation of my Bill as very few opinions have been received from the Moslem bodies. So, I am agreeable to accept the amendment standing in the name of the Hon'ble Leader of the House for re-circulating it for eliciting public opinion thereon.

Mr. DEPUTY PRESIDENT: Motion moved that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Judicial and Legislative Department,

(2) Begum Hamida Momin,

(3) Khan Bahadur Saiyed Muazzamuddin Hosain,
(4) Mr. J. B. Ross,
(5) Mr. Shrish Chandra Chakraverty,
(6) Mr. Lalit Chandra Das,
(7) Khan Bahadur Ataur Rahman,
(8) Mr. Khorshed Alam Chowdhury,
(9) Rai Sahib Jatindra Mohan Sen,
(10) Khan Bahadur Abdul Hamid Chowdhury, and
(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I beg to move that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

Mr. DEPUTY PRESIDENT: Amendment moved: that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be re-circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I failed to understand whether my friend Mr. Nur Ahmed was accepting the circulation motion or not.

Mr. NUR AHMED: Yes.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Thank you very much.

Mr. DEPUTY PRESIDENT: The question before the House is that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be re-circulated for the purpose of eliciting further opinion thereon by the 30th April, 1943.

(The motion was agreed to.)

The Court-fees (Bengal Amendment) Bill, 1941.

Mr. NUR AHMED: Sir, before I move this motion also I want your permission and the permission of the House to add the name of Raja Bahadur Bhupendra Narayan Sinha, of Nashipur after Mr. Dhirendra Lal Barua and the figure three in respect to the quorum be replaced by four.

(The House gave him the permission.)

Sir, I beg to move that the Court-fees (Bengal Amendment) Bill, 1941, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Revenue Department,

(2) Khan Bahadur Naziruddin Ahmad,

(3) Khan Bahadur M. Shamsuzzoha,

(4) Mr. Lalit Chandra Das,

(5) Mr. Bankim Chandra Datta,

(6) Mr. W. B. G. Laidlaw,

(7) Mr. Hamidul Huq Chowdhury,

(8) Mr. Mesbahuddin Ahmad,

(9) Mr. Hirendra Lal Barua,

(10) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and

(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this a very simple Bill. I want to add one section after section 20 as section 20A, which runs as follows:—

"20A. Notwithstanding anything contained in the preceding section or in the rule made thereunder, no fees shall be charged for serving and executing processes on behalf of the prosecution in any criminal or semi-criminal proceedings taken or information presented or complaint made by a public servant as defined in section 21 of the Indian Penal Code and other enactments in force, in his official capacity."

Sir, as the law at present stands, court-fee or process-fee is charged for the institution of any complaint. There is no doubt that court-fee should be paid for serving of summons and other notices regarding the cases instituted by public servants. But difficulties have arisen in many cases. The District Magistrates have enforced that process-fee and court-fees should be paid. We have received 32 letters supporting the provisions of this Bill. It is necessary that public servants should be encouraged in instituting cases. For example, municipal and district bodies for purposes of acquiring insanitary tanks and for other beneficial purposes in some cases institute cases and the affected persons are very poor to pay any court-fee. The municipalities and district boards compel the persons to do certain duties for their own benefit and as soon as those works are done the cases are withdrawn. At the time the cases are withdrawn costs have to be realised and sometimes these costs are somewhat too much and those poor men are unable to pay them. An assurance was given by the

Government but up to now nothing has been done in that respect. Of course I have no objection to his re-circulation motion being accepted but I hope my humble submission will be accepted.

Sir, if he wants still that the Bill should be re-circulated, then I have no objection. But my humble submission is, this is a very simple Bill.

Mr. DEPUTY PRESIDENT: Motion moved that the Court-fees (Bengal Amendment) Bill, 1941, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Pramatha Nath Banerjee, Minister in charge of the Revenue Department,

(2) Khan Bahadur Naziruddin Ahmad,

(3) Khan Bahadur M. Shamsuzzoha,

(4) Mr. Lalit Chandra Das,

(5) Mr. Bankim Chandra Datta,

(6) Mr. W. B. G. Laidlaw,

(7) Mr. Hamidul Huq Chowdhury,

(8) Mr. Mesbahuddin Ahmed,

(9) Mr. Dhirendra Lal Barua,

(10) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and

(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I beg to move that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 30th September, 1943.

Sir, may I make an appeal to my honourable friend if he will be good enough to withdraw the motion. I propose to discuss this subject with the honourable member and consult him. I am appealing to him to withdraw the Bill.

Mr. NUR AHMED: I accept the motion for circulation. I shall be glad to discuss this matter with the Hon'ble Minister.

Mr. DEPUTY PRESIDENT: The question before the House is that the Court-fees (Bengal Amendment) Bill, 1941, be re-circulated for the purpose of eliciting further opinion thereon by the 30th September, 1943.

(The motion was agreed to.)

Mr. NUR AHMED: As the Hon'ble Minister in charge of Local Self-Government Department is not present, I do not move motion No. IX.

The Bengal Food Adulteration (Amendment) Bill, 1940.

I move motion No. X. Sir, I beg to move that the Bengal Food Adulteration (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Santosh Kumar Basu, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Kader Baksh,

(3) Mr. Ranajit Pal Chowdhury,

(4) Mr. J. B. Ross,

(5) Rai Bahadur, Keshab Chandra Banerjee,

(6) Mr. Lalit Chandra Das,

(7) Mr. Moazzemali Chowdhury,

(8) Mr. Mesbahuddin Ahmed,

(9) Khan Bahadur Abdul Hamid Chowdhury,

(10) Mr. Dhirendra Lal Barua, and

(11) the mover,

with instruction to submit their report within four months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, I wish to make a request. The Hon'ble Mr. Basu is absent. Will he be good enough not to move the motion?

Mr. NUR AHMED: The Hon'ble Minister, I find, is not present. If the House so desires, then I do not move.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, on a point of information. Can the Hon'ble Minister, who is not a member of this House, preside over the Select Committee?

Mr. LALIT CHANDRA DAS: The Minister in charge is bound to be a member according to our rules, and any one moving for a Select Committee cannot but put his name. The presence of the Minister concerned is necessary.

Mr. DEPUTY PRESIDENT: I think Mr. Nur Ahmed does not want to move his motion.

Mr. NUR AHMED: Is there any objection to my moving this motion?

Mr. DEPUTY PRESIDENT: No there is no objection.

Mr. NUR AHMED: Then I move——

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Sir, may I intervene at this stage and request that the honourable member may not kindly move this motion in view of the fact the Hon'ble Mr. Santosh Kumar Basu is not present in the Chamber being away in connection with the cyclone and flood situation in Diamond Harbour?

Mr. NUR AHMED: All right, Sir. Under the circumstances, I do not move my motion.

The Agriculturists Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: May I have the leave of the House in the first instance to add one more name to the Select Committee? I propose to add the name of Mr. Lalit Chandra Das. I would also ask the leave of the House to change the figure regarding the quorum of "3" to "4".

Mr. DEPUTY PRESIDENT: I think there is no objection.

Mr. NUR AHMED: Now I beg to move that the Agriculturists Loans (Bengal Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Khan Bahadur Hashem Ali Khan, Minister in charge of the Co-operative Credit and Rural Indebtedness Department,
(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Khan Sahib Abul Quasem,
(4) Mr. Kamini Kumar Dutta,
(5) Mr. J. B. Ross,
(6) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(7) Mr. Khorshed Alam Chowdhury,
(8) Mr. Moazzemali Chowdhury,
(9) Khan Bahadur Ataur Rahman,
(10) Mr. Lalit Chandra Das, and
(11) the mover,

with instructions to submit their report within four months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this also is a very simple Bill. Its object is to remove some defects which have come to light and stand in the way of granting proper relief to the agriculturists in time of need. It deals with the granting of loans to the agriculturists.

My amendments are shortly these: In sub-section (*1*) of section 4 of the Agriculturists Loans Act, 1884, I have proposed that after the words "the

relief of distress" the words "or indebtedness" shall be inserted, as the existing provision does not authorise the Government to grant any loan for relieving indebtedness, which as is well-known is chronic with our cultivators. In clause 3 I have provided for easy instalments and in clause 4, I have provided that in the 4th line of section 6 of the said Act after the words "and severally" the words "or severally", etc., be inserted.

These are the main provisions of my Bill. There is a provision for the relief of distress in section 4 of the Agriculturists Loans Act, 1884, but that provision is confined to relief in case of distress only. If there is a famine or if there is a flood, then only can a loan under this Act be given but not in any other case. Therefore it will be found that when in many cases agriculturists suffer very much owing to indebtedness, any little help that Government may be inclined to give they are precluded from giving. Therefore difficulties are being experienced by officers who have to administer this Act. Then clause 3 of my Bill provides for easy instalments for repayment. In section 6 of the Act there is a provision that any and each loan should be issued on the basis of joint responsibility. Therefore, it has been found that in case of individual necessity an individual agriculturist however deserving he may be cannot get any relief and even when there is acute distress if he cannot find out a co-partner he cannot get any relief from Government as he must find some other person to confine with him in order to be entitled to have the loan. So, it is necessary that there should be this measure. Therefore I commend my motion to the acceptance of the House.

The Hon'ble Khan Bahadur M. ABDUL KARIM: On a point of order, Sir. As regards the Agriculturists Loans Bill, the Minister in charge of Revenue is in charge of this subject and not the Minister in charge of Co-operative Credit and Rural Indebtedness Department. So it is out of order.

Mr. DEPUTY PRESIDENT: I rule the motion out of order.

The Bengal Probation of First Offenders Bill, 1942.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Probation of First Offenders Bill, 1942.

Mr. DEPUTY PRESIDENT: The question before the House is that leave be granted to Mr. Nur Ahmed to introduce the Bengal Probation of First Offenders Bill, 1942.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

Mr. DEPUTY PRESIDENT: The Bill is introduced.

The Bengal Money-lenders (Amendment) Bill, 1942.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Money-lenders (Amendment) Bill, 1942.

Mr. DEPUTY PRESIDENT: The question before the House is that leave be granted to Mr. Nur Ahmed to introduce the Bengal Money-lenders (Amendment) Bill, 1942.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

Mr. DEPUTY PRESIDENT: The Bill is introduced.

The Bengal Indecent Advertisement Prevention Bill, 1942.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Indecent Advertisement Prevention Bill, 1942.

Mr. DEPUTY PRESIDENT: The question before the House is that leave be granted to Mr. Nur Ahmed to introduce the Bengal Indecent Advertisement Prevention Bill, 1942.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

Mr. DEPUTY PRESIDENT: The Bill is introduced.

The Bengal Borstal Schools (Amendment) Bill, 1942.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Borstal Schools (Amendment) Bill, 1942.

Mr. DEPUTY PRESIDENT: The question before the House is that leave be granted to Mr. Nur Ahmed to introduce the Bengal Borstal School (Amendment) Bill, 1942.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

Mr. DEPUTY PRESIDENT: The Bill is introduced.

The Bengal Intoxicant Liquor Sale Regulation Bill, 1942.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Intoxicant Liquor Sale Regulation Bill, 1942.

Mr. DEPUTY PRESIDENT: The question before the House is that leave be granted to Mr. Nur Ahmed to introduce the Bengal Intoxicant Liquor Sale Regulation Bill, 1942.

(The motion was agreed.)

The Secretary then read the short title of the Bill.

Mr. DEPUTY PRESIDENT: The Bill is introduced. Before I adjourn the House, will the Hon'ble Leader of the House please indicate till what date the House may be adjourned?

The Hon'ble Khan Bahadur M. ABDUL KARIM: The House I think should be adjourned till Wednesday next, the 18th November.

Mr. DEPUTY PRESIDENT: The House stands adjourned till 2-15 p.m. on Wednesday, the 18th November, 1942.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 18th November, 1942.

Members Absent.

The following members were absent from the meeting held on the 13th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. N. C. Datta.
(8) Mrs. K. D. Rozario.
(9) Mr. K. K. Dutta.
(10) Khan Bahadur Alhaj Khwaja Muhamad Esmail.
(11) Mr. Kanai Lal Goswami.
(12) Mr. Mohamed Hossain.
(13) Khan Bahadur Mohammad Asaf Khan.
(14) Maulana Mohammad Akram Khan.
(15) Mr. W. B. G. Laidlaw.
(16) Sir T. Lamb.
(17) Mr. J. McFarlane.
(18) Mr. N. N. Mookerjee.
(19) Dr. R. K. Mookerjee.
(20) Mr. T. B. Nimmo.
(21) Mr. Ranajit Pal Chowdhury.
(22) Khan Bahadur Muklesur Rahaman.
(23) Dr. K. S. Ray.
(24) Mr. J. B. Ross.
(25) Rai Bahadur Radhica Bhusan Roy.

BGP-42/3-9321A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 21.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 18th November, 1942, at 2-15 p.m., being the twenty-first day of the Second Session of 1942, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

Appointment of the Secretary to the Judicial Department.

49. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if there occurred recently a vacancy in the post of Secretary to the Government of Bengal in the Judicial Department;

(*b*) if the vacancy has been filled up, and if so, the name of the officer appointed;

(*c*) whether there are senior Indian officers qualified by length of service and record to fill up the vacancy; and

(*d*) if there is any racial discrimination in making appointments to such important and key positions?

MINISTER in charge of the HOME DEPARTMENT (The Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) to (*d*) Appointments to this post are made on grounds of merit alone. The vacancy which occurred recently has not been permanently filled, and Mr. Sharpe has been appointed to act in it, as stated in the notification published in the *Calcutta Gazette* of the 1st October, 1942.

Sir BIJOY PRASAD SINGH ROY: Am I to assume that in making temporary appointments, Government do not take merit into consideration.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think that is a question. It is an expression of opinion.

Sir BIJOY PRASAD SINGH ROY: I shall then put it in a proper form. Will the Hon'ble Minister be pleased to state whether Government, in making temporary appointments, do not take merit into consideration?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret I cannot answer assumptions.

Imposition of collective fines.

50. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing—

(*a*) the names of villages where collective fines have been imposed and the amount realised;

(*b*) how many persons have been exempted in each village; and

(*c*) if any arrangement has been made to dispose of the application of a person or persons for exemption; if so, how many such applications have been filed, and how many of these have been disposed of, and with what result?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I refer the honourable member to the following notifications:—

(1) 350Def., dated the 8th September, 1942,
(2) 19852P., dated the 17th September, 1942,
(3) 19854P., dated the 17th September, 1942,
(4) 19876P., dated the 19th September, 1942,
(5) 19887P., dated the 19th September, 1942,
(6) 19996P., dated the 26th September, 1942,
(7) 2551P.S., dated the 30th September, 1942,
(8) 20193P., dated the 8th October, 1942,
(9) 20196P., dated the 8th October, 1942,
(10) 20199P., dated the 8th October, 1942,
(11) 20203P., dated the 8th October, 1942,
(12) 20206P., dated the 8th October, 1942,
(13) 20234P., dated the 9th October, 1942,
(14) 20236P., dated the 9th October, 1942,
(15) 20249P., dated the 10th October, 1942,
(16) 20252P., dated the 10th October, 1942,
(17) 20258P., dated the 13th October, 1942,
(18) 20798P., dated the 16th October, 1942,

(19) 20816P., dated the 20th October, 1942,

(20) 20819P., dated the 21st October, 1942,

(21) 20826P., dated the 22nd October, 1942,

(22) 20843P., dated the 22nd October, 1942,

(23) 20852P., dated the 23rd October, 1942, and

(24) 20853P., dated the 23rd October, 1942,

copies of which have been published in the Gazette. I have no details of the amount of fine hitherto realised which will be made available to the honourable member when received, if he will ask for them.

(*b*) I have not yet got complete details.

(*c*) Applications for exemption will be disposed of by the local officers. I have no details of the numbers of applications filed and disposed of, and also the results of disposal.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With reference to answer (*c*), may I know which of the local officers have been authorised to dispose of the applications for exemption?

The Hon'ble Mr. A. K. FAZLUL HUQ: The District Magistrates have been authorised to dispose of the applications regarding exemption.

Rai Sahib JATINDRA MOHAN SEN: May I enquire where these notifications may be found; I mean the dates of the Gazette in which these notifications have been published?

The Hon'ble Mr. A. K. FAZLUL HUQ: You want me to give the pages of the *Calcutta Gazette*?

Rai Sahib JATINDRA MOHAN SEN: No, the dates of the *Calcutta Gazette* in which these notifications were published.

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say off-hand. I suppose the dates will be near about the publication of the *Calcutta Gazette*, i.e., Thursday.

Sir BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if it is a fact that persons who have no complicity whatsoever with acts of lawlessness in certain local areas are being punished with imposition of collective fines?

The Hon'ble Mr. A. K. FAZLUL HUQ: Complaints to that effect have been received and they have been handed over to the District Magistrates concerned for enquiry. If it is found that they were not implicated, they will be relieved.

Sir BIJOY PRASAD SINGH ROY: Is the Hon'ble Minister aware that certain big and influential zeminders who are traditionally loyal and are supposed to be supporters of Government have been punished with imposition of collective fines?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have heard of that case; the matter is being enquired into.

Sir BIJOY PRASAD SINGH ROY: May I know what time will be taken by the Government for this enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to say. There are so many matters to look to. Besides, matters relating to the cyclone relief work are taking up a good deal of time. But the matter would be expedited and action will be taken as soon as the enquiry is completed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are not the Muslims, as a class, exempted because they are not taking any part in subversive activities?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, that is so.

Sir BIJOY PRASAD SINGH ROY: Is it to be assumed that all Hindus, irrespective of the fact whether they are actually guilty of acts of omission or commission, are supposed to be guilty and are being punished consequently?

The Hon'ble Mr. A. K. FAZLUL HUQ: I admit, Sir, in some cases the wording of some of the notifications has given rise to legitimate complaints by the Hindu community. Care is now being taken to show in the notifications themselves that it is not the intention of Government to penalise those who are proved to have taken no part in these disturbances. But initially when a fine is imposed, it has got to be imposed upon a number of inhabitants and they always include guilty and non-guilty. Non-guilty persons are given an opportunity of proving their innocence before the District Magistrates who have been given full power to release any one who is proved not to have taken part.

Sir BIJOY PRASAD SINGH ROY: In that case, is it the policy of Government to assume that all Hindus are guilty and that it is for every Hindu to prove that he is not guilty?

The Hon'ble Mr. A. K. FAZLUL HUQ: I could not follow the question, Sir.

Sir BIJOY PRASAD SINGH ROY: From the principle that has just been enunciated by the Hon'ble Minister it follows that in the eyes of

Government all Hindus are supposed to be guilty and so it is for the individual applicant or complainant to prove to the satisfaction of Government that he is not guilty.

The Hon'ble Mr. A. K. FAZLUL HUQ: As a matter of fact, these fines are not imposed except on the authority and report of the District Officer. If the report of the District Officer shows that a particular community in a particular place as a whole has taken part, fine is imposed in that locality. It may be that that area consists of persons who may be innocent. In those cases enquiry is made. Government does not assume that all Hindus are guilty or that members of the other community are all innocent. There may be innocent as well as guilty persons in every community. Those who are supposed to be non-guilty, in their cases enquiries are made. The District Magistrate has been given full authority to look into all cases of complaints and to exempt those whose innocence is proved.

Sir BIJOY PRASAD SINGH ROY: Are Government prepared to look into applications complaining against orders of some of the District Magistrates because there are certain cases where those District Magistrates have not used the discretion vested in them under the Ordinance?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of any instance in which a District Magistrate has not got the power but if my honourable friend would let me have particulars of such cases, then I shall be prepared to look into them.

Sir BIJOY PRASAD SINGH ROY: I am afraid the Hon'ble the Chief Minister has misunderstood me.

The Hon'ble Mr. A. K. FAZLUL HUQ: Possibly. Will you kindly state your question again?

Sir, BIJOY PRASAD SINGH ROY: District Magistrates have certainly got such powers but there have been cases which I believe have been brought to the notice of the Government, in which the District Magistrates have refused to exercise those powers and persons have been punished in respect of whom there was no doubt that they were not guilty. Are Government prepared to look into such cases?

The Hon'ble Mr. A. K. FAZLUL HUQ: I take it that the complaint that my learned friend is now voicing is that although District Magistrates have in some cases reported that certain persons are innocent, still fines have been realised from them. I, of course, do not know of any such instance, but if my friend will please give me the instances, I will find out: at the same time I will make independent enquiries.

Sir BIJOY PRASAD SINGH ROY: One more question, Sir. In the districts of Midnapore and 24-Parganas where Government have been distributing relief because of the havoc created by the recent cyclone, are the Government prepared to exempt the people from paying the collective fine, or whether they are going to be further punished by Government by the imposition of collective fine, because they are Hindus?

The Hon'ble Mr. A. K. FAZLUL HUQ: These matters are being fully enquired into by the Additional Commissioner who is there and who is now making extensive tours; whatever his recommendations are will be accepted by Government.

Sir BIJOY PRASAD SINGH ROY: I am afraid these are not questions of fact but questions of policy. There is nothing to enquire into in these cases; because Government cannot deny that people in certain parts of the Midnapore and 24-Parganas districts have suffered because of the cyclone, and that Government are distributing relief——

Mr. DEPUTY PRESIDENT: I am sorry I cannot allow the honourable member to carry on an argument in respect of a question.

Sir BIJOY PRASAD SINGH ROY: Very well, Sir, I shall put the question in a different form. Is it not a fact that Government are distributing relief to the cyclone-affected areas in the districts of Midnapore and 24-Parganas?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Sir BIJOY PRASAD SINGH ROY: Then, in that case, are the Government prepared to exempt people to whom relief is being granted from paying the collective fine?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes. It is no use taking away with the left hand what we are giving with the right hand.

Sir BIJOY PRASAD SINGH ROY: Thank you.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I know if there is any provision for appeal against the orders of the District Magistrate to the higher authorities?

The Hon'ble Mr. A. K. FAZLUL HUQ: Under the Ordinance the power of exemption is given to the Provincial Government. The Provincial Government, of course, get their information from the District Magistrates whose recommendations are, as a rule, accepted; there is no question of appeal.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble the Home Minister aware that in Chittagong within the Mireswari thana there have been cases in which no exemption has been granted to the Moslems?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware. If, however that is so, I shall have enquiries made.

Rai Sahib JATINDRA MOHAN SEN: May I know to whom a man should go for redress, if he is dissatisfied with an order of the District Magistrate? As the Hon'ble Home Minister has said just now, will that person go to the Chief Minister or to any person specially authorised on his behalf to look into the complaints made against the orders of the District Magistrate?

The Hon'ble Mr. A. K. FAZLUL HUQ: The petitions for exemption whether in the case of individuals or collectively are sent to Government and they are sent to the District Magistrate concerned for report, because it is on the District Magistrate's report that the order for exemption is to be based. If there are cases in which persons are dissatisfied with the report of the District Magistrate, it is open to such persons to appeal to the Government.

Mr. LALIT CHANDRA DAS: Is it not a fact that the Ordinance for the collective fine has made no distinction between one community and another?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, the Ordinance makes no such distinction.

Mr. LALIT CHANDRA DAS: Is it not the ordinary principle of law that a person is to be presumed to be innocent so long as his guilt is not proved?

The Hon'ble Mr. A. K. FAZLUL HUQ: I admit this is so.

Mr. LALIT CHANDRA DAS: Then, Sir, how does the onus of proving his innocence lie on one who is thought by the local officer to be guilty and thus becomes a victim of the collective fine?

The Hon'ble Mr. A. K. FAZLUL HUQ: As a matter of fact, the proposition that the innocence of a person has got to be presumed, is acted upon within a court of law; but outside that principle is not strictly followed in ordinary practice. Moreover, in a matter of this kind it is not easy in practice to find out who is guilty and who is not and so collective fine is imposed. If anybody is unjustly fined, it is up to him and the onus lies on him to prove his innocence.

Mr. MESBAHUDDIN AHMED: Does it include the Muslim as a community?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have said, the Muslims as a class are exempted.

Khan Sahib ABUL QUASEM: Will the Hon'ble Minister be pleased to state if it is not a fact that the members of the Hindu community almost exclusively have taken part in the recent lawlessness and disturbances?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is more or less a matter of opinion.

Rai Sahib JATINDRA MOHAN SEN: From the Ordinance if it appears that if any person aid or abet or commit certain offences mentioned in the Ordinance then the collective fine is imposed and that shows that the Government is to make out a case any individual first and then that person is called upon to prove his innocence. It appears from the Ordinance that this is the principle to be followed. May I know from the Hon'ble Minister if it is not so?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I make a short statement to clear up the point, Sir? The position is that in every case of disturbance though collective fines have been or are being imposed, whenever a disturbance takes place the local officer—the Subdivisional Officer, District Magistrate or the Commissioner of Division, sends a report of the occurrence to the Provincial Government. In that report he also recommends certain measures to be taken, preventive as well as punitive. In many cases, the local officers do not suggest the imposition of collective fines and no fine is imposed in those areas. But where the District Magistrate or other officers suggest the imposition of a collective fine, Government follows the lines recommended by the District Officers. If any community has been exempted in any Government notification, it is because the District Magistrate suggested that a particular community should be exempted in view of the evidence of non-participation of that community in the disturbances. As I have said, when Government issues the notification, it may be very wide and innocent people may be involved. It is up to those innocent persons to prove that they are innocent and that they have been unjustly fined. They should approach the Local Government. As soon as such cases are received by the Local Government, they are sent to the local officers for investigation and if the Local Government finds on investigation that they have been unjustly fined, they direct the non-realisation of fine, if any fine has been imposed; but if they are found guilty, then the fine is realised.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if it is true that the District Magistrate takes the initiative in the matter of the imposition of fine or is it imposed on the advice or orders of the police?

The Hon'ble Mr. A. K. FAZLUL HUQ: We do not recognise the police. We look to the Commissioner and the District Magistrate. The District Magistrate may take the help of the police.

Adjournment Motion.

Mr. DEPUTY PRESIDENT: I have received notice of a motion for adjournment from Mr. Nur Ahmed, which runs as follows:—

"The Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the policy of Government of Bengal in ordering an enquiry into the working of the Dacca District Board with a view to its supersession by the Government on the application of some Opposition members of that board as reported in the *Hindusthan Standard* of the 16th November, 1942, and subsequent such orders in cases of Faridpur, Mymensingh and Rajshahi District Boards."

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, may I point out that there are other adjournment motions pending and those may be taken up first.

Mr. DEPUTY PRESIDENT: Which adjournment motions are you referring to?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I refer to the motion in respect of which you reserved your ruling pending the arrival of the Hon'ble the Home Minister and——.

Mr. DEPUTY PRESIDENT: They will be considered after my ruling is given.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I was simply bringing the fact to your notice, so that those motions may not lapse by default.

Mr. DEPUTY PRESIDENT: Mr. Nur Ahmed, do you want to move your motion? If so, you will have to satisfy the Chair as regards the urgency of the matter referred to in the motion.

Mr. NUR AHMED: Sir, this is a matter of urgent public importance. Government is serving notice upon——.

Mr. DEPUTY PRESIDENT: Order, order. Do you know what orders have been passed?

Mr. NUR AHMED: The District Board has been asked to show cause——.

Mr. DEPUTY PRESIDENT: Order, order. Generally, the Chair is reluctant to interrupt the ordinary business of the House except on a very special ground. So far as this motion is concerned, I find that the order has been passed by the Government in the usual course of their administration. So, I do not find any urgency in the matter. In that view of the matter, I disallow this motion.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I promised to make a statement in reply to a certain motion which my honourable friend Mr. Nur Ahmed wanted to bring forward before this House. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is my motion.) I am sorry. I stand corrected. Well, Sir, that motion was with regard to the dearth of small coins. Sir, the Central Government is the authority in all matters relating to currency, coinage and legal tenders, as will be found in item 5, of the Seventh Schedule to the Government of India Act, 1935, and the responsibility is entirely on the Central Government. All that is to be done by this Government is to forward all comments made by the honourable members and by the local Press to the Currency Officer of the Reserve Bank of India for such action as he may consider necessary. We have reported the matter to the Central Government saying that as the small copper coins having gone out of circulation, great inconvenience is being felt by the general public of this province.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, may I know what about the statement which was to be made by the Hon'ble the Home Minister on his return from New Delhi?

Mr. DEPUTY PRESIDENT: That statement will be made tomorrow.

Rai Sahib JATINDRA MOHAN SEN: Sir, when will the Hon'ble Leader of the House make the promised statement regarding alleged police excesses in the interior of the Balurghat subdivision?

Mr. DEPUTY PRESIDENT: I am sorry, when the Hon'ble Chief Minister was present you did not mention it.

Rai Sahib JATINDRA MOHAN SEN: There was no time to mention it then, because the Hon'ble Leader of the House was making the statement on another matter and we did not know that the Chief Minister would be going away in the midst of the debate.

Mr. DEPUTY PRESIDENT: Will the Leader of the House kindly enlighten the House about this?

The Hon'ble Khan Bahadur M. ABDUL KARIM: The statement will be made tomorrow. I have asked for information from the office but due to the holidays intervening, it could not be placed before me. I hope to be able to make the statement tomorrow.

Mr. DEPUTY PRESIDENT: Order, order. The House will now resume further discussion of the Bengal (Rural) Primary Education (Amendment) Bill, 1942.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. NUR AHMED: Sir, I beg to move that for sub-clauses (*1*) and (*2*) of clause 3 of the Bill, the following sub-clause be substituted, namely:—

"(*1*) To clause (*h*) the following further proviso shall be added, namely:—

'Provided further that out of the members to be appointed by the Provincial Government under clause (*h*), one will be the representative of the Scheduled Castes.' "

Sir, in the proposed amending Bill sub-clauses (*1*) and (*2*) say: "(*1*) in clause (*h*) after the word 'two' the word 'and' shall be omitted; (*2*) after clause (*h*) the following clause shall be inserted, namely:—

(*hh*) In addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes to be appointed by the Provincial Government; and".

Sir, by this amendment I propose to omit these two clauses, and in their place substitute one proviso, namely, that out of the members to be appointed by the Government, one will be the representative of the Schedule Castes.

Sub-section (*h*) of section 6 of the Act runs as follows:—As many members as there are subdivisions in the district to be appointed by the Provincial Government. It appears that Government is very eager to provide representation for the Scheduled Castes in the district school boards of Bengal. My suggestion is that Government without making any additions to the membership of the nominated members can appoint one or two representatives of the Scheduled Castes. They have got the power to appoint any man they like. My first ground is that in the school boards as constituted under section 6, the number of elected and nominated members is about equal. From section 6 it appears that if a district school board is taken as constituted for a district consisting of three subdivisions, such a district school board will consist of the following Government *ex-officio* and nominated members:—(*a*) the District Magistrate, *ex-officio*; (*b*) the Subdivisional Magistrate, *ex-officio*; if there are three subdivisions there will be three Subdivisional Officers as members; (*c*) the District Inspector of Schools *ex-officio*: (*i*) members; (*d*) appointed by Government under (*h*)—three; that is to say, 8; (*e*) one teacher to be appointed by the Government for the first term of four years, or in other words altogether 9 members. Therefore, the number of Government officers and nominated members will be nine in a district school board. And what will be the number of elected members? The Chairman of local boards: if there are

as many local boards in a district as there are subdivisions, that is to say, three, then in that case three *ex-officio* elected members as Chairmen of local boards. Then come "the Chairmen and Vice-Chairmen of the district board". This will probably be two; then it comes to five. Then come "as many members as there are subdivisions in the district under (*f*)". If there are three subdivisions, then there will be three elected members to be elected by the district board. This brings the total to 8. (*g*) "one member for each subdivision to be elected in the prescribed manner by the members of the union boards, union committees and by the members of the union boards, union committee and *panchayats* within the subdivision"; thus if there are three subdivisions there will be three members. So the grand total comes to 11. Therefore there will be 11 elected members and 9 *ex-officio* and appointed members. If two are added as is now contemplated then the number of *ex-officio* and appointed members will be eleven and the number of elected members will also be eleven, that is, the same. It is desirable that in the schools boards the number of elected representatives should be more than that of Government and appointed members. In all self-governing bodies such as a municipality the number of nominated members is one-fifth in the case of three municipalities and one-fourth in the case of other municipalities. In the case of district boards one third of the members are appointed by the Government but the local Self-Government Act was enacted long long ago in the year 1932 but we are now in the year 1942 and still Government is going to increase the number of nominated members, which I humbly submit is not desirable from any point of view or for the good of any self-governing body. Now is the time to increase the people's responsibility; but we are going backward. We are holding back the hand of progress. We are receding instead of progressing. We want people's representatives to be equal to the appointed members. There may be one objection saying that I am reducing the representation of the Scheduled Castes from two to one. In reply to that I may say that Government can appoint more than one if they feel it necessary to increase the number. But my proposition is that there should invariably be one Scheduled Caste representative. In that view of the matter, I have shown that there is no necessity for increasing the number to be appointed by Government. Government can do so without increasing the number of appointed members. Government have power and they can do so. With these words, I commend my motion to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved that for sub-clauses (*1*) and (*2*) of clause 3 of the Bill, the following sub-clause be substituted, namely:—

"(*1*) To clause (*h*) the following further proviso shall be added, namely:—

'Provided further that out of the members to be appointed by the Provincial Government under clause (*h*), one will be the representative of the Scheduled Castes.' "

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, the result of the selection of members by the district school boards in the past as regards the Scheduled Castes representatives has been a dismal one in most districts. Government after giving their best consideration to the circumstances has decided the provision as embodied in the Bill with a view to maintain the equilibrium. So, I find myself unable to accept the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that for sub-clauses (*1*) and (*2*) of clause 3 of the Bill, the following sub-clause be substituted, namely:—

"(*1*) To clause (*h*) the following further proviso shall be added, namely:—

'Provided further that out of the members to be appointed by the Provincial Government under clause (*h*), one will be the representative of the Scheduled Castes.' "

(The amendment was negatived.)

Mr. NUR AHMED: I beg to move that in clause 3 of the Bill, sub-clauses (*1*) and (*2*) be omitted.

Sir, sub-clause (*2*) runs as follows "after clause (*h*) the following shall be inserted, namely:—'(*hh*) In addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes to be appointed by the Provincial Government and' ". I refer to clause (*h*) of section 6. In that clause it is said that Government can nominate as many members as there are subdivisions. I want to show that without increasing the number of nominations, Government can nominate two Scheduled Caste representatives. With these words, I formally move my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause 3 of the Bill, sub-clause (*2*) be omitted.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose this amendment, because the provisions in this clause have been inserted after general agreement among all the parties. There is no reason why we should depart from that agreement.

Mr. DEPUTY PRESIDENT: The question before the House is that in clause 3 of the Bill, sub-clauses (*1*) and (*2*) be omitted.

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that in sub-clause 3 of the Bill, for the proposed sub-clause (*hh*), the following be substituted, namely:—

"(*hh*) in addition to the members referred to in clause (*h*) two members who shall belong to Scheduled Castes to be elected in the prescribed manner by the members of the district board; and"

Sir, Government propose by (*hh*) that "in addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes to be appointed by the Provincial Government".

I only want that in place of being appointed by the Provincial Government, two Scheduled Caste members should be elected by the members of the district board. If we look to section 6 of the Bengal Primary Education Act, we find that clause (*f*) of section 6 says "as many members as there are subdivisions in the district to be elected in the prescribed manner by the members of the district board". I have proposed that these Scheduled Caste representatives should be elected. I have already indicated that if the present Government proposal is accepted, the number of elected members and the number of nominated members will be equal. That is not desirable from any point of view. Sir, in all the primary school boards of other provinces we find that the number of nominated members are less than elected members. For instance, in the Punjab out of 16 members, 12 are elected. In Madras and other provinces we find that the number of elected members are two-thirds or three fourths of the total strength. I propose, therefore, that the Scheduled Caste representative should be elected by the district board. Moreover, when the district boards have been able to elect 3 persons, there is no reason why they will not be able to elect 5. And they will be in a better position to elect suitable persons than the Government who may find it very difficult to pick up the right sort of men for appointment.

Sir, from a distance they cannot know who are the right type of men. But the representatives of the people assembled together can know this. They know the nook and corner of the district and they can find out the best men. In this view of the matter, may I appeal to the Hon'ble Minister to accept this very reasonable amendment moved by me?

Mr. DEPUTY PRESIDENT: Motion moved that in sub-clause (*2*) of clause 3 of the Bill, for the proposed clause (*hh*), the following be substituted, namely:—

> "(*hh*) in addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes interested in education shall be co-opted by the members of the district school board in their first meeting in the prescribed manner; and"

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the motion and in doing so I have to say that the amendment just moved by my friend Mr. Nur Ahmed meets the argument which is urged by the Hon'ble Minister for Education as to why the Scheduled Castes should have two additional seats. Sir, in this amendment Scheduled Castes are given their full additional representation. The only difference is that, the representation should be given on election basis, and not by nomination. Sir, we all know that our friends opposite—at least a large number of them—have always fought against nomination. I hope they will welcome

this amendment which, instead of nomination, provides for election, since the representation sought to be given to the Scheduled Castes is given in full. With these words, I hope that my friends opposite will not object to this amendment.

I have one more word to add. My friend, the Leader of the House, was perhaps so long under the impression that there would not be any change, not even a word, so that the Bill might not have to go back to the Lower House. With that object in view, probably many of the very reasonable amendments have been opposed; but now that his *zid* has been broken by his acceptance of one amendment at least, I think he will no longer insist on opposing motions only because they come from the Opposition. I hope, Sir, he will welcome this amendment and accept it, and my friends opposite will not oppose.

Mr. LALIT CHANDRA DAS: Lest our silence should be misconstrued, I want to make it clear that we are not in favour of nomination; we are really in favour of election. But that does not mean that this particular motion which has been moved by my friend Mr. Nur Ahmed should be accepted by us. I am of opinion that members of the district boards, constituted as they are at present, do not reflect the opinion of the Scheduled Caste community. If the motion of my friend had suggested that these two representatives of the Scheduled Castes are to be elected by the Scheduled Castes themselves, the proposition would have been different. But the proposition, as now put forward, is not, to my mind, satisfactory at all. For, I am of opinion, that district boards as they are constituted will show, on proper scrutiny, that they do not reflect the opinion of the Scheduled Castes. In that view of the matter, I should think the interest of the Scheduled Castes will be safer in the hands of the Government. With these words, I oppose the amendments.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose the amendment, on two grounds. Firstly, the Scheduled Castes themselves are opposed to this amendment. So far as the Government is concerned, their opinion is based mainly on administrative grounds, because of difficulties that would have to be encountered if we want to give effect to this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 3 of the Bill, for the proposed clause (*hh*) the following be substituted, namely:—

> "(*hh*) in addition to the members referred to in clause (*h*) two members who shall belong to Scheduled Castes to be elected in the prescribed manner by the members of the district board; and".

(The amendment was negatived.)

Mr. NUR AHMED: I beg to move that in sub-clause (*2*) of clause 3 of the Bill, for the proposed clause (*hh*), the following be substituted, namely:—

"(*hh*) in addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes interested in education shall be co-opted by the members of the district school board in their first meeting in the prescribed manner; and".

Sir, there are three principles on which a person is made a member of a district school board. He is either nominated or elected or co-opted. I have tried the method of election but that has failed. Therefore, I have tried the next alternative, namely, the method of co-option. But I hope my friends on the other side will see that this does not indicate my preference for the principle of co-option or of nomination. I have been forced to take resort to this method in the present instance. Sir, in these days when everybody is crying for a greater and greater share in the administration and nationalisation of the public services, I feel that the House should agree to my amendment. For, here I have given the Government an opportunity of accepting the principle of co-option thereby enabling them to show that they are not a reactionary party Government and that they can accept the principle of co-option which is certainly much better than nomination. My friend Mr. Lalit Chandra Das has said just now that he did not want the district boards to elect two Scheduled Caste members to the district school boards because, the district boards are not representative of the Scheduled Castes. Sir, with all respect to him, I may say that I have been surprised to hear this sort of statement from an eminent lawyer like Mr. Das. Surely, Sir, the district boards do represent all classes of the inhabitants in the district and there is provision there for the representation of the minorities also. So far as I remember, there is no restriction in law for a member of a Scheduled Caste community contesting a district board election. Perhaps Mr. Das now finds it convenient to profess such views. Most probably, he does not believe in the principle of election in the case of the Scheduled Castes and he, therefore, opposes my amendment to have representatives of the Scheduled Castes co-opted by the other members of a district board in their first meeting in the manner prescribed. Government will have the power of framing rules under the rule-making powers in such manner as they think fit. There will be two sets of people who will form the district school board—one set nominated, and the other set elected. As I have said, the number of nominated members is already almost equal to that of the elected members. So, Government may very well co-opt members of the Scheduled Castes instead of nominating them. From that point of view, they can have no objection to accept the principle underlying this amendment.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 3 of the Bill, for the proposed clause (*hh*), the following be substituted, namely:—

"(*hh*) in addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes interested in education

shall be co-opted by the members of the district school board in their first meeting in the prescribed manner; and".

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, for the reasons already stated in connection with the co-option of members to the Central Committee, I am sorry I cannot accept this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (2) of clause 3 of the Bill, for the proposed clause (*hh*), the following be substituted, namely:—

"(*hh*) in addition to the members referred to in clause (*h*), two members who shall belong to the Scheduled Castes interested in education shall be co-opted by the members of the district school board in their first meeting in the prescribed manner; and".

(The amendment was negatived.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*hh*), for the words "appointed by the Provincial Government" appearing in lines 3 and 4, the words "elected by Scheduled Caste members of this Provincial Legislature" be substituted.

Sir, this is an amendment in respect of which my honourable friend Mr. Das will not be able to find anything to take exception. Here, I have sought to provide for two representatives of the Scheduled Castes coming in not by nomination but through election by the Scheduled Caste community themselves. My friends opposite often profess that they are against nomination. Here I want to see what reply they give to this amendment of mine. I know, of course, that one who is determined to go against a particular thing, can always find a plea against it, as the Persian saying goes:—

خوی بد را بہانۂ بسیار است which means, "A bad man can always find excuses".

It will be for the House and the people outside to judge whether the excuses are reasonable or unreasonable. Everybody knows that in this twentieth century nomination cannot at all be tolerated in any public institution. But here in this Bill we are not only retaining the nomination which exists in the Act, but we are increasing the number of nomination. It is a dangerous policy. By this addition to the number of nominated members we are going to create a situation in which the nominated and *ex-officio* members will be able to carry through anything they want. It is a dangerous policy for a public institution. It would be as well to set up a wholesale nominated body to deal with primary education in this province instead of giving it the show of an elected body. I hope my friends opposite will at least be able to see their way to accept this amendment. I have suggested that the Scheduled Caste representatives should be elected by their own people and I think they will not raise any objection to it. My friend, the Leader of the House, will also, I hope, accept this very reasonable amendment and will not force me to call for a division.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*hh*), for the words "appointed by the Provincial Government" appearing in lines 3 and 4, the words "elected by Scheduled Caste members of this Provincial Legislature" be substituted.

Mr. NUR AHMED: Sir, I rise to support the motion—a very reasonable amendment—moved by the Leader of the Opposition. I think Mr. Lalit Chandra Das has been caught in a trap by this amendment. He will now find it very difficult to come out consistently with his professed views on the question of nomination *vis-a-vis* election. In connection with another amendment he said that the district boards do not reflect the opinion of the Scheduled Castes. May I ask what he will say now? Will he now say that the representatives of the Scheduled Castes in the Bengal Legislature do not reflect the opinion of the Scheduled Castes in Bengal? I think there will be no difficulty for the Scheduled Caste members of the Bengal Legislature to elect two of their representatives to the district school boards. Because, they know all the persons of their own community, and so they will be the best persons to elect two members to the boards. So from that point of view, there can be no objection and I hope this amendment will be accepted by the House.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I am sorry I cannot accept this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub- clause (2) of clause 3 of the Bill, in the proposed clause (*hh*), for the words "appointed by the Provincial Government" appearing in lines 3 and 4, the words "elected by Scheduled Caste members of this Provincial Legislature" be substituted.

The question being put, a division was challenged with the following result:—

AYES—6.

Ahmed, Mr. Mesbahuddin.	Hosain, Khan Bahadur Saiyed Muazzam-uddin.
Ahmed, Mr. Nur.	Mollah, Khan Sahib Subidali.
Aziz, Khan Sahib Abdul.	Momin, Begum Hamida.

NOES—16.

Barua, Mr. D. L.	Laidlaw, Mr. W. B. G.
Chowdhury, Mr. Khorshed Alam.	Lamb, Sir T.
Cohen, Mr. D. J.	Maitra, Rai Bahadur B. M.
Das, Mr. Lalit Chandra.	Nimmo, Mr. T. B.
D'Rozario, Mrs. K.	Ray, Mr. N. N.
Goswami, Mr. K. L.	Ross, Mr. J. B.
Kabir, Mr. Humayun.	Sen, Rai Sahib J. M.
Karim, The Hon'ble Khan Bahadur M. Abdul.	Jan, Alhadj Khan Bahadur Shaikh Muhammad.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendment 6; against the amendment 16. Therefore, the amendment is negatived.

Mr. NUR AHMED: I beg to move that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*hh*), for the words "by the Provincial Government" in line 4, the words "by the members of the district board" be substituted.

Sir, sub-clause (*2*) of clause 3 runs thus: after clause (*h*) the following clause shall be inserted, namely:—

> "(*hh*) in addition to the members referred to in clause (*h*) two members who shall belong to the Scheduled Castes to be appointed by the Provincial Government."

Sir, in this amendment I want to omit the words "to be appointed by the Provincial Government" and to substitute in their place the words "by the members of the district board". I accept the other portions of the Government's draft but I only want the members to be elected by the district boards. So, the purpose of the Government will be equally served if they accept my amendment. For, they will still be able to provide for the representation of the Scheduled Castes. There will, therefore, be no harm if the district boards are given the power of electing these members.

Mr. DEPUTY PRESIDENT: I am very sorry to interrupt the honourable member. But before he proceeds further, will he kindly explain what is the difference between amendment No. 49 and the one which he has just moved?

Mr. NUR AHMED: The two amendments are practically the same, but there is this difference, that whereas in amendment No. 49 there is that restriction contained in the expression "in the prescribed manner", here there is no such thing. So, I formally move my amendment. In the former amendment the election has to be conducted in accordance with rules prescribed by the Government; but here the district board will elect the members without being hampered by such rules. With these words, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Don't you admit Mr. Nur Ahmed that both the amendments are identical?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not exactly identical, Sir, as has been already explained by Mr. Nur Ahmed. In the case of amendment No. 49 Government will frame certain rules in accordance with which the elections are to be held; while according to the present amendment, if carried, the district board members will be free to elect the members, and not subject to any rules that may be framed by Government. So this amendment is wider. That is the difference, Sir.

Mr. DEPUTY PRESIDENT: That is hardly a difference of any substance; however, if you insist on moving it, I don't want to stand in the way.

Mr. DEPUTY PRESIDENT: Amendment moved: "that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*hh*), for the words "by the Provincial Government" in line 4, the words "by the members of the district board" be substituted.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I oppose the amendment.

(The amendment was negatived.)

Mr. NUR AHMED: I beg to move that paragraph (*a*) of sub-clause (*3*) of clause 3 of the Bill be omitted.

Sir, paragraph (*a*) of clause 3(*3*) runs thus: "(*3*) in clause (*i*), '(*a*) after the words 'teachers of primary schools' the words 'possessing the prescribed qualifications' shall be added; and." The clause (*i*) of the original Act stands thus: (*i*) one teacher of a primary school to be appointed by the Provincial Government for the first term of four years referred to in sub-section (*2*) of section 10 and thereafter to be elected in the prescribed manner by the teachers of primary schools. From this clause (*i*) of section 6 it appears that Government has already taken power to prescribe rules, and according to these rules appointment shall be made by each of the primary schools. Government want that after the words "teachers of primary schools" the words "possessing the prescribed qualifications" shall be added. But I think that to be a teacher of a primary school is sufficient qualification. Government want to restrict it by the addition of these words. I think this is not at all necessary, because this section as it stands is quite clear. In this amendment Government do not propose to omit the words "prescribed manner". For all these reasons, I have suggested the omission of this sub-clause. I do not see why the provision should be made cumbrous by the addition of these words when the section as it stands is clear enough. I appeal to the members of the House to accept this simple amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that paragraph (*a*) of sub-clause (*3*) of clause 3 of the Bill be omitted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have only a few words to say in support of the Bill. This is an age when we are lowering the franchise and making larger and larger provision for elected members; but Government here wants to narrow down the elective element. By the addition of paragraph (*a*), Government wants to restrict the proportion of election, which I think is a reactionary proposal and cannot be supported. With these words, I support the amendment moved by my friend Mr. Nur Ahmed.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose the amendment. Because teachers are already eligible according to the rules prescribed by Government, the contention of my honourable friend, the mover of the amendment, is that no further change is necessary. Sir,

the teacher may include a *bona fide* or a bogus teacher or a teacher of every possible description. Not only that, to enable him to excercise the power of vote it may be necessary, as provided under other rules, that he must be a teacher of certain duration and age; and all these qualifications have to be prescribed by rules to enable the proper person to be appointed. It is only for this reason that Government added the words "possessing the prescribed qualification".

Mr. DEPUTY PRESIDENT: The question before the House is that paragraph (*a*) of sub-clause (*3*) of clause 3 of the Bill be omitted.

(The amendment was negatived.)

Mr. NUR AHMED: I beg to move that in sub-clause (*3*) (*b*) of clause 3 of the Bill, for the proposed proviso the following be substituted, namely:—

> Provided that every *bona fide* teacher of any primary school shall be eligible for election under this clause".

Sir, the proviso of the amending Bill runs as follows:—"Provided that no person shall be eligible for election under this clause who is not entitled to vote at such election."

My proposal is that every *bona fide* teacher of any primary school shall be eligible for election under this clause. It may so happen that some *bona fide* teachers may not be in the list prepared by Government. And so he will not be eligible for election. If the Government provision is added, it will exclude some teachers from exercising the valuable right of standing for election. In many districts school boards have already been established. I do not think there has been any difficulty in the election of members from among the teachers. I have used the word "*bona fide*" purposely. I do not want that at the time of election anybody will come and become a teacher. If my amendment is accepted, such bogus tearchers will be automatically excluded. These school boards exercise control over the schools established in rural areas and these boards will be in a position to reject nomination of any teacher who is not a *bona fide* teacher. I do not think that there can be any objection to accepting my amendment.

With these words, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*3*)(*b*) of clause 3 of the Bill, for the proposed proviso the following be substituted, namely:—

> "Provided that every *bona fide* teacher of any primary school shall be eligible for election under this clause."

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the amendment. I think that this is a very good amendment which also meets the wishes of the Hon'ble the Leader of the House. By using

the word "*bona fide*", my honourable friend, the mover of the amendment, has shut out all bogus teachers from being elected, which is the fear of the Hon'ble Minister in charge of the Bill. So, I hope this amendment will be accepted by the House.

Mr. LALIT CHANDRA DAS: Sir, I oppose the amendment. It practically nullifies the spirit of the decesion already arrived at by the House. The House has already agreed to retain the phrase "possessing the prescribed qualifications". Now, if this amendment is accepted, namely, that, "every *bona fide* teacher of any primary school shall be eligible for election under this clause", I think that will go against the very substance of the provision of clause 2 which has been passed. In order to make a primary school teacher eligible for election to the district school boards, it has been ruled that he must possess certain qualifications which will be prescribed by rules of the Government. These qualifications may relate to his educational qualification, to his age or to his experience. But if this motion is accepted, namely, that "every *bona fide* teacher of any primary school shall be eligible for election under this clause", that will run counter to the proposition that the primary school teacher must possess the prescribed qualifications.

With these few words, I oppose the amendment.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I oppose the amendment. My honourable friend Khan Bahadur Saiyed Muazzamuddin says that since there is the word "*bona fide*" teacher in this amendment, so there should be no objection. But that is not the case. There may be large number of teachers of comparatively younger of age, 15, 16 or 17 years. Government will not be wise to allow such people to go in for election. In that case, age-qualification must be necessary. Similarly, there may be other qualifications which should be insisted on before allowing a man to go in for election. So, I oppose the motion.

Mr. DEPUTY PRESIDENT: Before I put the question, I would like to request the honourable sponsor of the Bill to enlighten the House by referring to the relevant section as to whether the qualification of a voter has been defined.

The Hon'ble Khan Bahadur M. ABDUL KARIM: These have to be defined by the rules to be made.

The DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*3*)(*b*) of clause 3 of the Bill, for the proposed proviso the following be substituted, namely:—

> "Provided that every *bona fide* teacher of any primary school shall be eligible for election under this clause."

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that sub-clause (*3*)(*b*) of clause 3 of the Bill be omitted.

Sir, you raised an important question. There is no provision in the Act to prescribe the qualifications of the voter. My submission is that there is no necessity of this proviso and it ought to be omitted.

Mr. DEPUTY PRESIDENT: Amendment moved: that sub-clause (*3*) (*b*) of clause 3 of the Bill be omitted.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I object to the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that sub-clause (*3*) (*b*) of clause 3 of the Bill be omitted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. DEPUTY PRESIDENT: Clause 4 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that in clause 4 of the Bill, for the proposed section 6A, the following be substituted, namely:—

"6A. In any district in which local boards do not exist or shall be abolished hereafter, clause (*d*) of section 6 shall be deemed to have no operation, and in clause (*g*) of that section for the words 'one member' the words 'two members' and in the proviso to the said clause for the word 'two' the word 'four' shall be deemed to have been substituted."

Sir, in this amendment I propose to substitute clause 6A to be added to section 6 of the Act by clause 4 of the amending Bill. Clause 4 of the Bill runs as follows:—After section 6 of the said Act the following section shall be inserted, namely:—

"6A. In any district in which local boards do not exist, clause (*d*) of section 6 shall be deemed to be omitted, and inclause (*g*) of that section for the words 'one member' the words 'two members' and and in the proviso to the said clause for the word 'two' the word 'three' shall be deemed to be substituted."

The difference between the proposed amendment in the amending Bill and my proposed amendment is, firstly, this: that I propose that after the words "In any district in which local boards do not exist" the words "or shall be abolished hereafter" shall be inserted. Secondly, I want to omit the words "shall be deemed to be omitted" and replace them by the words "shall be deemed to have no operation". Thirdly, in the proviso I ask that for the word "three", the word "four" be inserted. That is a very

logical conclusion. As regards the first part of my amendment, I want to add the words "or shall be abolished hereafter". I admit, Sir, that I am very deficient in English, but as the section stands, it appears that it does not cover the case of those local boards which may be abolished hereafter. I have searched for precedents in the General Clauses Act; but, Sir I have not found anywhere that the present means the future. It appears that as this clause has been framed, it excludes those local boards which will be abolished afterwards. If that is so, then there is every necessity for putting in this amendment. I want to substitute for the words "deemed to be omitted", the words "shall be deemed to have no operation", for I think that will be better drafting. Then, I want to substitute for the word "three" the word "four", which is a logical consequence of the whole of my amendment. Sub-sections (*d*) and (*g*) as in the Act read thus: (*d*) The Chairman of local boards, *ex-officio;* and (*g*) one member for each subdivision to be elected in the prescribed manner by the members of the union boards, union committees and *panchayats* within the subdivision; provided that the number shall in no case be less than two. Government say in their Bill that in a case where local boards do not exist the number of members will be increased from one to two, and had provided in the original Act provided that that the number shall in no case be less than two. But if one is increased to two, then in that case as a logical corollary two should be increased to four. That I think is quite natural. There is another more cogent reason and it is that this proposed sub-section does not cover the case of the future abolition of local boards. Government's intention by the addition of this sub-section 6A is that there are many districts in which local boards have been abolished and the clause relating to *ex-officio* members and Chairmen of local boards as *ex-officio* members will not arise in those cases. So Government's difficulty is only in case of those districts where local boards still exist. So to meet that difficulty Government want that in those districts where local boards do not exist, sub-clause (*d*) will not apply. Now the question is—if that is the intention of Government, whether the proposed sub-clause 6A will serve their purpose. Section 6A only provides for those districts where local boards do not exist. If local boards exist now and if one, two, three or six of them are abolished hereafter, what will be the effect? How is it possible to cover the cases of these local boards. In my humble opinion this section will not be workable in dealing with such cases. It would therefore be better if Government accept my amendment. It is an important thing: the whole intention is to provide for election of members in place of local board Chairman. If this section becomes inoperative, then the principle of election will be less and in consequence the board will suffer. With these words I commend my motion to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved that in clause 4 of the Bill, for the proposed section 6A, the following be substituted, namely:—

"6A. In any district in which local boards do not exist or shall be abolished hereafter, clause (*d*) of section 6 shall be deemed to have

no operation, and in clause (*g*) of that section for the words 'one member' the words 'two members' and in the proviso to the said clause for the word 'two' the word 'four' shall be deemed to have been substituted."

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the amendment. Certainly the drafting of the amendment moved by my friend Mr. Nur Ahmed is much better and it is decidedly an improvement over the Bill clause. There will be difficulty with those district boards of which local boards will be abolished in future. There is no provision in the Bill in respect of them. The wording, as inserted by the Government, will not cover the cases of such district boards. At the same time, the wording "shall be deemed to be omitted" is not very happy. The expression "shall be deemed to have no operation" is far better. It is decidedly an improvement and I hope this amendment will be accepted by the House. The only change is "four" in place of "two". The number of members in the education boards will be very small, especially in districts where there is no subdivision. I think in view of these observations, the Hon'ble Minister will accept this amendment.

Mr. LALIT CHANDRA DAS: Sir, I oppose this amendment. The difference between this amendment and what has been put in section 4 of the Bill is just like the difference between a tweedledum and tweedledee. In the proposed section of the Bill, the wording is "In any district in which local boards do not exist, clause (*d*) of section 6 shall be deemed to be omitted". The wording of my friend's amendment is "In any district in which local boards do not exist or shall be abolished hereafter, clause (*d*) of section 6 shall be deemed to have no operation". It is only a paraphrase of what is in the Bill itself. These wordings are not necessary. The words "shall be deemed to have no operation" is absolutely necessary. Moreover, practically there is no difference between the wording of the amendment and the wording of the Bill. The Bill proceeds "in clause (*g*) of that section for the words 'one member' the words 'two members'....." So there is no difference. Then, Sir, we find that there is a provision in the Bill, namely, "in the proviso to the said clause for the word 'two', the word 'three' shall be deemed to be substituted". Now, the only difference is that the word used in the Bill is "three" while the word used in the amendment is "four". But if the word "three" is taken, it will mean that the number shall in no case be less than three. I am reading, Sir, from the original section of the Act. If the clause of the Bill is passed, it would read as "that the number shall in no case be less than three". But if this amendment is accepted, it will mean the number as not less than four. The bill-clause, if carried, would mean four, five, six; in fact, any number above three. So, the word "four" is absolutely unnecessary.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, in my opinion the proposed substitution does not make either better reading or better sense. Therefore, I cannot accept it.

Mr. DEPUTY PRESIDENT: The question before the House is that in clause 4 of the Bill, for the proposed section 6A, the following be substituted, namely:—

"6A. In any district in which local boards do not exist or shall be abolished hereafter, clause (*d*) of section 6 shall be deemed to have no operation, and in clause (*g*) of that section for the words 'one member' the words 'two members' and in the proviso to the said clause for the word 'two' the word 'four' shall be deemed to have been substituted."

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. DEPUTY PRESIDENT: Clause 5 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that in clause 5 of the Bill, in the proposed section 7A, the following be added at the end, namely:—

"and thereupon a new member shall be appointed or elected in the manner provided in section 12 (the figure 6 is a misprint for 12) and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred."

Sir, clause 5 of the Bill runs as follows:—

5. After section 7 of the said Act the following section shall be inserted, namely:—

"7A. A teacher of a primary school, who is appointed or elected as a member of the board, shall cease to be a member of the board with effect from the date on which he ceases to be a teacher of a primary school."

Sir, a teacher will be nominated or elected, only so long as he continues to be a teacher. In the meantime, if he ceases to be a teacher, he will cease to be a member of the district school board. But there should have been another clause as regards the election of another member in place of the teacher who ceases to be a teacher and ceases also to be a member. I do not find such a provision in the amending Bill. Thus, a new clause should be added to section 6. That clause says, "a teacher of a primary school, who is appointed or elected as a member of the board, shall cease to be a member of the board with effect from the date on which he ceases to be a teacher

of a primary school". But there is no provision to elect another member in his place. Only one teacher has been given representation and in case of removal of the teacher no provision has been made in the Bill for representation of a teacher member on the board. So this *lacuna* should be removed. Reference should also be made to section 12, which provides for casual vacancy. That section runs as follows:—

> "When the place of an appointed or elected member of the board becomes vacant by his removal, resignation or death, a new member shall be appointed or elected in the manner provided in section 6, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred."

It will be seen that this section 12 provides for filling up of vacancy if a member is removed by Government and in other contingencies. Section 11 says: The Provincial Government may, by notification, remove a President, Vice-President, or member of the board if he—

(*a*) refuses to act or becomes incapable of acting as a member of the board;

(*b*) is declared insolvent;

(*c*) has been or is convicted of any such offence or has been or is subjected by a criminal court to any such order as in the opinion of the Provincial Government implies a defect of character which unfits him to become or to continue to be a President, Vice-President or member of the Board: or

(*d*) without excuse sufficient in the opinion of the Provincial Government is absent without the consent of the board from more than six consecutive meetings of the board.

Here, there is no provision for filling up of a vacancy if a teacher ceases to be a member. Clauses (*a*), (*b*), (*c*) and (*d*) deal with the circumstances under which the member will cease his membership. But there is nothing here in this section 11 to suggest why he will be removed. Sir, my amendment says, "and thereupon a new member shall, be appointed or elected in the manner provided in section 6, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred."

Therefore, unless my amendment is accepted, this *lacuna* remains, and I hope the Hon'ble Leader of the House will accept this amendment. With these words, I recommend my motion for the acceptance of the House.

Mr. DEPUTY PRESIDENT: On a reference to the original notice of your amendment, I find that there is no printing mistake in respect of the figure, as you seem to think. However, I am prepared to accept this alteration of the figure "12" from "6" as a short-notice amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 5 of the Bill, in the proposed section 7A, the following be added at the end, namely:—

"and thereupon a new member shall be appointed or elected in the manner provided in section 12 and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred."

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the amendment. My honourable friend, a shrewd lawyer as he is, has detected this *lacuna* very intelligently and I think this *lacuna* is a serious one and requires to be filled up. Unless this *lacuna* be filled up, there will be difficulty about filling up the vacancy of a teacher's representative on the district school board. We have to remember that the primary school teachers are sending only one representative on the district school board and if that one post remains unfilled, then it will be a great injustice done to the primary school teachers of the district. So, I think that in all fairness to them the Government ought to accept the amendment. This is not a controversial point; this is absolutely an improvement on the Bill. So, I hope the Leader of the House will be pleased to accept the amendment with a good grace. With these words, I support the amendment.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the amendment. I think my friends of the Opposition are not very careful readers of the clauses in the Bill before them. In clause 5 of the Bill it is stated that "after section 7 of the said Act, the following section shall be inserted, namely:—

'7A. A teacher of a primary school who is appointed or elected as a member of the Board shall cease to be a member of the board with effect from the date on which he ceases to be a teacher of a primary school'".

This is a very reasonable proposal to which no exception could be taken by the Opposition. But to this they have added a rider and that rider is to the effect that, "thereupon a new member shall be appointed or elected in the manner provided in section 12 and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred". This reveals an anxiety on the part of the members of the Opposition to see that the vacancy is really filled up and filled up quickly. But my friends of the Opposition have not cared to look at clause 7 of the Bill. In clause 7, it is clearly stated that "in section 12 of the said Act after the words 'becomes vacant', the words, figure and letter 'under section 7A' shall be inserted". So that, whenever a vacancy occurs, section 12 will come into operation automatically. And section 12 of the Act runs thus: "When the place of an appointed or elected member of the board becomes vacant, by his removal, resignation or death, a new member shall be appointed or elected in the manner provided in section 6

and shall hold office as long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred". Sir, the wording there is clear, namely, "elected member of the board becomes vacant by his removal, resignation or death". In order that there may not be any controversy in respect of this question, Government has been very careful in suggesting after this clause, the addition of this section 7A. So that if these words are added, it will clearly mean that section 12 will have application as soon as there is a vacancy caused in place of a primary school sitting as a member of the board. I, therefore, oppose this amendment.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Section 7A says "A teacher of a primary school, who is appointed or elected as a member of the board shall cease to be a member of the board from the date on which he ceases to be a teacher of a primary school". Whenever there is any vacancy created, whether of appointed or elected member under the ordinary rule and law, that vacancy has to be filled up by the rules made by Government. Under section 66, the Local Government make rules for carrying on the purposes of the Act and for the filling up of any vacancy in the committee whether temporary or otherwise. Therefore it cannot be said that it is a *lacuna*. If a vacancy occurs, that vacancy has to be filled up in the way prescribed by the Government. Besides that, as my honourable friend Mr. Das has said, as a matter of fact, if reference is made to section 12, there is no room for confusion or doubt. I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in clause 5 of the Bill, in the proposed section 7A, the following be added at the end, namely:—

> "and thereupon a new member shall be appointed or elected in the manner provided in section 12, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred."

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. DEPUTY PRESIDENT: Clause 6 stand part of the Bill.

Mr. NUR AHMED: I beg to move that for clause 6 of the Bill, the following be substituted, namely:—

> "6. In sub-section (*1*) of section 8 of the said Act the words 'and approved by the Provincial Government' shall be omitted".

Sir, section 6 of the Bill runs as follows:—"To sub-section (*1*) of section 8 of the said Act the following proviso shall be added, namely:—

'Provided that a President elected by a board may, after his election, perform the duties of his office while the question of such approval is pending'."

In my amendment I want to substitute in place of the proposed clause 6, an altogether new draft as I want that the words "and approved by the Provincial Government" be omitted. My object is that as soon as the Chairman would be elected, he should have the power to function without any further certificate from any other body. This power is, therefore, not necessary. In the case of a municipality, as soon as a Chairman is elected, he can perform his duties and there is no provision for the approval of his election. Here, the Chairman will be elected by a body composed of the elected representatives as well as those nominated by Government. Out of the members of the board, one shall be elected as the Chairman. But, Sir, why he should be treated as a child and Government should further examine his election? Instances, unfortunately, have occurred in which Government had not approved of the election of the Chairman and wrongly exercised its power of veto. Very recently, one instance happened in Mymensingh. There, the district school board appointed or rather elected one gentleman, Mr. Giasuddin Ahmad, M.L.A., to be its Chairman, but his election was not approved by Government, apparently because he happens to be a prominent member of the Muslim League. This Government, with all respect to the Hon'ble the Leader of the House, is exercising its power with an eye to some party. Instances have occurred where the election of a Chairman has not been approved by Government if the person happens not to be its *persona grata* or happens to belong to the opposite camp. So, I think that this clause 6 is unnecessary and should be omitted.

With these few words, I propose my amendment for the acceptance of the House.

Mr. MESBAHUDDIN AHMED: Sir, the time is up.

Mr. DEPUTY PRESIDENT: Amendment moved: that for clause 6 of the Bill, the following be substituted, namely:—

"6. In sub-section (*1*) of section 8 of the said Act the words 'and approved by the Provincial Government' shall be omitted."

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to support this motion. Hitherto taking approval of Government in the matter of election of the Chairman of district boards and municipalities was a mere formality, but now we find that Government interfere even in matters of approval. So, this clause relating to approval of Government should be done away with and it should not remain in the Act as it stands. Government has made provision in the Bill that while the question of such approval is pending, the elected Chairman will continue to perform his duties of his office. That is, I think, not at all necessary. Just as in the case of the members of the Legislature, no approval of Government is necessary

after his election, I think similarly the Chairman ought to be allowed to perform the duties of his office as soon as he is elected by board. The Chairman of a municipality functions as soon as he is elected without the approval of Government. It is a very good proposal and it should be accepted by the Hon'ble Minister in charge of the Bill.

The Hon'ble Khan Bahadur M. ABDUL KARIM: For obvious reasons, I cannot accept the suggestion to delete the provision, "and approved by the Provincial Government". I cannot let this occasion pass without adverting to certain remarks made by my honourable friend, Mr. Nur Ahmed, who referred to the election of the Chairman of the district board of Mymensingh. He imputes motives to Government. He says that I, as the Minister in charge, disapproved the appointment as Chairman of a member because he belongs to the other party. That is a downright lie,—if that statement is not unparliamentary,—it is absolutely untrue. It is a malicious statement. As a matter of fact, I found the whole election was illegal and I was supported by the Advocate-General in this matter. In spite of that, my friend makes a suggestion against the Government to the effect that the election of the Chairman of that district board was not accepted at my instance because that gentleman happened to belong to the other party.

Mr. DEPUTY PRESIDENT: The question before the House is that for clause 6 of the Bill the following be substituted, namely:—

"6. In sub-section (*1*) of section 8 of the said Act, the words 'and approved by the Provincial Government' shall be omitted."

The question being put, a division was challenged with the following result:—

AYES—5.

Ahmed, Mr. Mesbahuddin.	Hosain, Khan Bahadur Saiyed Muazzamuddin.
Ahmed, Mr. Nur.	Molla, Khan Sahib Subidali.
Aziz, Khan Sahib Abdul.	

NOES—15.

Barua, Mr. D. L.	Maitra, Rai Bahadur B. M.
Choudhury, Mr. Moazzamali.	Rashid, Khan Bahadur Kazi Abdur.
Chowdhury, Mr. Khorshed Alam.	Ray, Rai Sahib J. N.
Chowdhury, Khan Bahadur Rezzaqui Haider.	Ray, Mr. N. N.
Das, Mr. Lalit Chandra.	Roy, Mr. A. D.
D'Rozario, Mrs. K.	Sanyal, Mr. S. N.
Karim, The Hon'ble Khan Bahadur M. Abdul.	Sen, Rai Sahib J. M.
	Sinha, Raja Bahadur B. N.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendments—5; against the amendment—15. Therefore, the amendment is negatived.

Mr. DEPUTY PRESIDENT: The House now stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 19th November, 1942.

Members Absent.

The following members were absent from the meeting held on the 18th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. S. C. Chakraverty.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. B. C. Datta.
(8) Mr. N. C. Datta.
(9) Mr. K. K. Datta.
(10) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(11) Khan Bahadur Muhammad Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Mr. J. McFarlane.
(14) Dr. R. K. Mookerjee.
(15) Mr. R. Pal Chowdhury.
(16) Khan Bahadur Muklesur Rahaman.
(17) Dr. K. S. Ray.
(18) Rai Bahadur Radhica Bhusan Roy.
(19) Mr. K. C. Roy Chowdhury.

BGP-42/3-9452A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 22.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 19th November, 1942, at 2-15 p.m. being the twenty-second day of the Second Session of 1942, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

Mr. DEPUTY PRESIDENT: There is only one question on the printed list circulated today and it relates to the department of the Hon'ble Nawab Bahadur of Dacca. Some time ago I received a letter from him requesting the Chair's permission to some other Hon'ble Minister to answer the questions relating to his department. But I do not know what is the present position. Will the Hon'ble Leader of the House enlighten me on this point?

The Hon'ble Khan Bahadur M. ABDUL KARIM: This question may be passed over, as I am not prepared to give a suitable reply today if there are supplementary questions.

Khan Sahib ABUL QUASEM: Sir, we notice that the Hon'ble Ministers do not pay any attention to the business of this House. Questions given notice of by the members after being admitted are duly forwarded to the administrative departments concerned, but the Hon'ble Ministers are conspicuous by their absence. This is slighting the House and we would request you to intervene in the matter. Then Sir, I wish to bring to your notice the fact that this session is about to be prorogued and yet these questions are being postponed from day to day. There is no certainty that they will be taken up this session.

The Hon'ble Mr. A. K. FAZLUL HUQ: I understand he is very ill and cannot come to the Council.

Khan Sahib ABUL QUASEM: Then, Sir, another Hon'ble Minister may reply for the Nawab Bahadur. The files are there. After all, it is the department that supplies the answers and therefore any other Hon'ble Minister can be entrusted with the task of replying the question, and we also may not have to wait till his recovery for these answers.

Mr. DEPUTY PRESIDENT: I also received a letter from the Hon'ble Nawab Bahadur to the same effect.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, may we know whether the Hon'ble the Leader of the House will answer these questions next day?

The Hon'ble Khan Bahadur M. ABDUL KARIM. I shall answer all the questions standing in the name of the Hon'ble Nawab Bahadur on Monday next.

Khan Sahib ABUL QUASEM: Thank you, Sir.

Statement by Hon'ble the Home Minister regarding Kishoreganj police-firing incident.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, on the last occasion when this matter came up before the House I promised to make a statement as regards the facts which have been ascertained by enquiries through the District Magistrate and the local officials and also from statements made by the leaders of various communities regarding the Kishoreganj tragedy. Now, Sir, the facts about which there is no dispute are briefly these:

There is a mosque called "the Purana thana mosque" situated about 45 yards to the north of a public thoroughfare in the town of Kishoreganj. The mosque is a newly-built one and, as a matter of fact, the construction has not yet been complete. Last year, an application was made by a gentleman named Babu Kshitish Chandra Burman, a Deputy Magistrate, posted at Malda whose home is at Kishoreganj and who visits his home during the Puja holidays, asking for permission to take a procession with music by the road near the mosque. Permission was given on condition that this procession would pass by the mosque outside prayer hours. To this even, the Muslims objected and it appears that there was a settlement between Mr. Burman and some of his relatives on one side and the leaders of the Muslim community on the other according to which Mr. Burman and his friends undertook not to have music by the side of the mosque at any time whether it was prayer time or outside prayer time.

This is, Sir, the case of the Muslim community. I have seen the document; it is not explicit and I need not take upon myself to give to the House my interpretation of the case at the present moment, because as I have submitted, the matter is *sub judice* and the question of an opinion or of evidence is beyond the scope of the statement that I am going to make. I will make only a statement of facts and no comments. This year Mr. Barman again applied on the 15th October, 1942, for an immersion procession to be taken on the 19th October along the route by the side of the mosque. In this petition he maintained that the mosque was a new one. that the road existed from long before and that processions used to pass by this road in previous years. And he added,—there is a significant sentence in his petition wherein he says, "The Purano Thana mosque is

a recent one whereas the question of taking procession with music along the road proposed is age-old. *Even last year I took a procession with music outside prayer hours.*" Here is an admission that last year Mr. Barman took out a procession outside prayer hours. Now, Sir, enquiry shows that last year in consequence of what Mr. Barman did, the Muslim community took him to task and he had to apologise, saying he would not do so again. If these two facts are put together it comes to this; Mr. Barman's admission that he took his procession outside prayer hour; he had to apologise for that, which means that the Muslim community's version seems to be correct, namely, there is to be no music even if it is taken out outside prayer hours.

On the 15th October on the report of the Sub-Inspector of Police the Subdivisional Officer gave orders that procession would be permitted to pass by the mosque without music. This was communicated to Kshitish Babu on the very day. On the 15th October Kshitish Babu sent a long reply, requesting that music should be allowed along the route but outside prayer hours when it passed by the side of the mosque. On that day Muslim leaders saw the Subdivisional Officer at 14 hours and told the Subdivisional Officer about prayer hours. They referred to the last year's incident and to the alleged undertaking given by Kshitish Babu on that occasion. The Muslim leaders were asked to see the Subdivisional Officer again. They filed a petition saying that immersion processions and other processions always stopped music before the mosque out of respect. They then referred to the last year's incident when procession had been taken before the mosque even outside prayer hours and to the fact that Kshitish Babu had to express his regret to the Muslims in the presence of the then Subdivisional Officer Mr. Sen and Subdivisional Police Officer Mr. Sadullah. The Subdivisional Officer heard Kshitish Babu also and passed orders, allowing the procession with music but outside the prayer hours. On the 19th October, conversations went on between the Subdivisional Officer and leaders of both the communities from 8 a.m. to 3 p.m. Muslim leaders produced some papers purporting to show that last year Kshitish Babu was never allowed to take out procession with music even outside prayer hours. In consideration of all facts and circumstances, the Subdivisional Officer passed a revised order to the effect that the procession must not pass the mosque with music at any time. On the 19th October Mr. Monomohan Das, President of the local Hindu Mahasabha, sent a telegram to the District Magistrate protesting against the Subdivisional Officer's order. The Magistrate reports that he consulted the Superintendent of Police who held (1) that the objection of the Muslim community appears to be unreasonable, (2) that there was sufficient police force present at Kishoreganj to escort the procession and maintain order, and (3) he was of opinion that the procession should be allowed to pass by the mosque with music, but outside prayer hours. The Magistrate then sent a telegram immediately to the Subdivisional Officer directing that the procession should be allowed to pass with music but outside prayer hours. Mr. Monomohan Das was informed by the District Magistrate of his decision. On the 19th October

at 7-28 hours the District Magistrate received a telegram from the Subdivisional Officer to the effect that the Muslims had produced some document saying that no procession was to pass the mosque with music and asked for further instructions to be sent immediately. At 17-32 hours the District Magistrate sent another telegram to the Subdivisional Officer confirming his previous order and asking him to report full compliance with his previous order without any further reference or question. At 19-55 hours the District Magistrate received a telegram from Maulvi Md. Israil, M.L.A., and Maulvi Abdul Hamid Shah, M.L.A., to the following effect: "Your wire regarding the immersion procession with music before the Purnana Thana mosque. Kindly reconsider your decision in view of the previous settlement in the matter." The Magistrate says that he thought that the immersion ceremony must have been long over and so he did not take any action on the telegram. The next morning the District Magistrate received a telegram from the Subdivisional Officer at 7-30 hours giving an account of this unfortunate incident, namely, that two persons had been killed in consequence of the firing that had taken place, and 14 wounded. The Superintendent of Police informed the District Magistrate that he had received three wires from the Subdivisional Officer, Kishoreganj. The first was a telegram received at 5 hours on the 19th October stating that communal trouble was apprehended, if the procession was allowed to pass. The second telegram was received at 22-35 hours saying that loss of life was apprehended if procession was to pass and asking for instructions by wire. The third telegram was received on the 20th October at 03-25 hours stating that firing had taken place and that two persons were killed and 14 persons wounded. As regards the firing, the District Magistrate made the following remarks: "The unlawful assembly had stood between the mosque and the road where the police were. So the direction of the firing was towards the mosque—the distance between the mosque and the party being about 45 yards. The constables were ordered to aim low and to avoid firing over the head of the crowd."

These are the facts that I could ascertain from the reports and the statements made by the leaders of the different parties. I had been to Kishoreganj and tried to verify, as far as I could, the facts which are what I have stated. When I went there I found that the police were investigating into certain cases that had been started and I left with the information that the charge-sheet was to be submitted on Monday. I presume that cases have been started since then. So far as the discussion of this matter is concerned, the position is—I respectfully submit—that the House has no jurisdiction by reason of the two rules read together which make the position perfectly clear. I submit, therefore, that no useful purpose will be served by a mere discussion, because I have stated the facts. I do not think anybody in the House knows more than I do, because I have got information from various quarters. Then, Sir, whether the information is sufficient or not, the moment it becomes *sub judice*, the jurisdiction of this House to discuss the matter is taken away and no amount of argument on my part or on anybody's part can confine the jurisdiction by the operation of the law. I submit that you will be pleased to rule, therefore, that

this motion cannot be discussed in this House. There is another point of personal explanation. On the last occasion it was pointed out to me that I did not raise this objection at the right moment. But, Sir, when I said that there was no objection to the motion I thought that the mover had already had the leave of the House; but whether, although he had leave of the House, the motion could be legally discussed or not is a different matter. Secondly, suppose I do agree not only to the leave being granted but also to the discussion and you fix Monday next for discussion of the motion and, say, on Sunday I get certain definite information to the effect, for instance, that the case is before the court. As soon as I bring this fact to your notice it is enough for you to decide that the matter should not be discussed as it is *sub judice*. This is all that I have to submit—the matter is *sub judice* and therefore cannot be discussed in this House.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I ask one or two points to clear up the position, Sir?

Mr. DEPUTY PRESIDENT: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I would like to know whether the Hon'ble Chief Minister is aware that the counterfoil of the previous year's licence shows that music was to stop within hundred yards of all places of public worship?

The Hon'ble Mr. A. K. FAZLUL HUQ: I saw certain documents of the kind referred to by the Leader of the Opposition.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Do the papers, he has seen, confirm what I have said, namely, that music was to stop within hundred yards of all places of public worship?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have said, I have seen certain papers to that effect, but I do not remember the exact wording thereof. So, I do not commit myself to it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Before you give your ruling, Sir, I would request you to satisfy yourself as to the scope of the matter which is *sub judice*. You are to satisfy yourself whether there is any bar to the moving of the adjournment motion which I have tabled. If there is no such bar, only the fact that it is *sub judice* should not I hope make the motion out of order. There is another fact, Sir. We have heard from a very reliable person only today that there is no case pending before the court at present. No magisterial case has yet been started and even no police enquiry has been started. That is the information that we have received from no less a person than Mr. Israil, a member of the Assembly. He has come from Kishoreganj very recently. So, I hope you will satisfy yourself as to whether the matter is actually

sub judice and whether the scope of the case started there really covers the matter which we have brought forward through this adjournment motion.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the question is really very important: some people have been shot and killed and we want to have a debate on that. So, I would request you to be satisfied before you give your ruling if the debate on this motion can in any way prejudice the case. You will have to consider also the question as to whether the shooting was justified. If some other tribunal is going into this question, that will satisfy us and we will not take up the question here. But if the cases do not involve an investigation into the question whether firing has been justified, then the motion cannot be ruled out of order. This House is the only forum where we can ventilate these questions. And if we are shut out from discussing this matter by means of a subterfuge, I submit the House will be denied its inherent prerogative of criticising the executive of the Government.

Secondly, it has been definitely stated by the Leader of the Opposition that no case has yet been started and the mere fact that police has got information lodged with them does not mean that a case is pending before a court. The case must be tried before a judicial tribunal. Simply because there is a remote prospect of the case being tried in a court of law, cannot make the matter *sub judice*. Up till now, there is only a likelihood of these cases being tried in a court of law and I submit no prejudice will be created in the mind of the court if the case has not already been started in a court of law. Now, Sir, you have to satisfy yourself that a case has actually been started and that too before a Tribunal and that one of the issues for decision before that court is whether firing was justified or not.

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend the Leader of the Opposition has said that he has got it from Mr. Israil, M.L.A., that there is no police investigation, no case has been started and that the whole thing is a bluff in order to oust the jurisdiction of the House. To that I may say that my information is definite that a case has been started, police investigations have been completed and charge-sheets have been submitted, and the matter is not now in the hands of the police but it is now before a court of law. My information, Sir, is Government information. I claim that you will be pleased to accept that information as correct unless there is anything before you definitely to show that my information is wrong. I take the full responsibility when I say before the House that the matter is *sub judice* at the present moment.

My friend Mr. Hamidul Huq Chowdhury was urging that the matter was only a prospective case for *sub judice*, that the police investigation has not yet been completed and that this attempt on the part of Government is only to oust the jurisdiction of the House to discuss this affair. I am not arguing with him, but I would only say that this matter is *sub judice*, police investigation has ended and the court has begun its work. The court

is now in seisin of the matter. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I know when the charge-sheets were submitted?) I cannot give the exact date but they have already been submitted. And when my friends opposite do not believe my statement, what is the good of giving dates?

Mr. HAMIDUL HUQ CHOWDHURY: It may be that the charge-sheets were submitted after the first day's discussion when the Chief Minister said that the matter was *sub judice*. By advancing the plea that the matter is *sub judice*, the right of the House has been seriously affected, because we shall not be able to discuss the matter.

Mr. DEPUTY PRESIDENT: So far as this motion is concerned, whether the case has become *sub judice* on the day on which the Hon'ble Minister made the first statement or it has been *sub judice* by today, the result would be the same. Even though I fix a date, as the Hon'ble Chief Minister has rightly pointed out, if before the discussion took place the information would reach me that the case was *sub judice*, then it would be my duty to stop discussion.

Mr. HAMIDUL HUQ CHOWDHURY: I agree wholly, but the Government would then be open to a charge of deception to this House.

Khan Sahib ABUL QUASEM: Sir, it has been asked through you of the Government to state the scope of the cases which are under investigation and which are going to be investigated by the court of law. The Government will have to state the scope of the cases and then it will enable you to judge whether the present adjournment motion touches the cases or not. If the whole case leading up to shooting is to be enquired into judicially, then we have to sit down. If these cases have got nothing to do with an enquiry into the circumstances of the shooting and if no court is going to adjudicate upon them, then the House should not be denied the privilege of discussing the adjournment motion. I submit, Sir, it is the duty of the Chair to satisfy himself by specific questions to the Government about the nature and scope of the cases which are stated to be under investigation and, if necessary, you may call for the papers of the cases and satisfy yourself as to what is the scope of the cases which are under enquiry: whether they will cover the matter sought to be discussed by the adjournment motion. It is a very important question and it touches the privilege of the House.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I submit, that the House is going to discuss the very points which would arise in the court: as to whether a procession with music had ever passed by the route leading to the mosque; whether a settlement between the Hindus and Muslims were arrived at; what were the terms of settlement; were there any variations from that? I have stated already all the facts of the case before the

House, and now the questions as to whether the firing has been justified, whether more force was used than necessary in self-defence—all these points will arise before the court. If one point which is common is brought under the discussion of the House then, I submit, Sir, that one single point would shut out the jurisdiction of the House.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the Chief Minister anticipates the position of the defence. What is the charge, we want to know. You should satisfy yourself as to what is the charge against the accused. Are they under arrest, and what is the charge against them? On the proper answers to these questions, it will be for you to decide whether it is covered by the adjournment motion before us or not.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, what is the charge? If the charge is that the people unnecessarily exposed themselves to firing or that the police opened fire because the people assembled to commit an offence: in either contingency the firing does not come into the picture at all in the case before the court, because the firing did not come from the mob——

Mr. DEPUTY PRESIDENT: Order, order. I think at this stage you should not enter into details. However, I shall consider all these points. I am not going to say anything just now. I shall consider all the points raised by the Hon'ble Chief Minister as well as on behalf of the Opposition.

Adjournment Motions.

Mr. HAMIDUL HUQ CHOWDHURY: There are other adjournment motions also which are included in the Order Paper.

Mr. DEPUTY PRESIDENT: I shall take them one by one. I have received another notice of a motion for adjournment of the House from Mr. Nur Ahmed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Several more are pending, Sir. Perhaps they will be taken up after you give your ruling on the Kishoreganj firing matter?

Mr. DEPUTY PRESIDENT: Yes.

Khan Sahib ABUL QUASEM: Do I understand that you will give your ruling on this matter in course of today, or tomorrow?

Mr. DEPUTY PRESIDENT: There has been a suggestion from the Opposition that I should call for papers on the subject. If I decide to do

so, then I shall require some time to prepare my ruling. If, however, I find that I could give the ruling without calling for the papers, then I may be in a position to deliver my ruling tomorrow.

Mr. HAMIDUL HUQ CHOWDHURY: I submit that papers would be necessary because our information is that no case has yet been started.

Mr. LALIT CHANDRA DAS: The honourable member cannot say that in the face of the Chief Minister's statement.

Mr. DEPUTY PRESIDENT: Order, order. I am at present considering the advisability of admitting the motion of which Mr. Nur Ahmed has given notice today. His motion runs thus:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the sudden phenomenal rise in prices of foodstuff and other necessaries of life especially rice, sugar, cloth in some districts of Bengal such as Netrokona, Berhampore, Mymensingh, Comilla and other places in Bengal leading to the immense suffering of the poor people of Bengal due to the inadequacy and inefficiency of the control of foodstuff and other necessaries of life by Government of Bengal as reported in the morning newspapers of 18th November, 1942, especially, in the *Hindusthan Standard* of 18th November, 1942.

I think this matter has been discussed threadbare in connection with the discussion on the Special Motion moved by the Leader of the Opposition on the Chief Minister's Statement. So, your adjournment motion would be reviving discussion on a matter which has already been discussed during the present session.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But the difficulty is that we got no reply on that head from the Chief Minister.

Mr. NUR AHMED: May I submit a few words about my motion? A Special Motion was tabled by the Leader of the Opposition on the Chief Minister's Statement but unfortunately that motion could not be pressed to a division and the matter rests where it began when we first discussed it. This is a matter of great importance, Sir,—this sudden and phenomenal rise in the prices of foodstuffs. Since then the situation has aggravated and it appears that the system of price-control has failed and is failing day by day. Every day prices of foodstuffs are rising higher and higher.

Mr. DEPUTY PRESIDENT: But how do you establish the urgency of this matter? Your motion, as it is worded, is not admissible.

Mr. NUR AHMED: The urgency is demonstrated by the fact that there has been riots in Chittagong and other places and the police have arrested bout one hundred men in connection with these food-riots. As almost every day riots are taking at many places in Bengal for purchasing

controlled articles of foodstuffs from the shops opened by Government, this matter, I submit, is undoubtedly urgent and is also in the public interest.

Mr. DEPUTY PRESIDENT: But the price has not risen all on a sudden. You seem to have no reply as regards the objection under section 99(*iii*) which lays down that "the motion must not revive discussion on a matter which has been discussed in the same session". Under the circumstances, disallow the motion.

Mr. NUR AHMED: May I mention one thing——

Mr. DEPUTY PRESIDENT: I have already disallowed your motion.

Mr. NUR AHMED: Sir, I gave notice of another matter regarding conveyance of congratulations to the armed forces——

Mr. DEPUTY PRESIDENT: I am considering that matter and shall let you know. The House will now resume further consideration of the Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Rai Sahib JATINDRA MOHAN SEN: May I ask the Leader of the House when he is going to make the promised statement regarding the Balurghat incidents?

The Hon'ble Khan Bahadur M. ABDUL KARIM: I shall make it on Monday at the latest, if I am not in a position to make it tomorrow.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. NUR AHMED: I beg to move amendment No. 72.

Mr. DEPUTY PRESIDENT: What is the difference between amendment 71 and amendment 72?

Mr. NUR AHMED: Sir, there is a great deal of difference.

Mr. DEPUTY PRESIDENT: I think both are practically the same.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not at all, Sir, this is quite different.

Mr. NUR AHMED: In 71 it was only the question of approval: here there is no question of approval. I want to change the word "may" by "shall".

Mr. DEPUTY PRESIDENT: You want to do away with the Government approval.

Mr. NUR AHMED: Yes, Sir. I also want to substitute the word "may" by the word "shall".

Mr. DEPUTY PRESIDENT: All right. You may move your amendment.

Mr. NUR AHMED: I beg to move that in clause 6 of the Bill, for the proposed proviso, the following be substituted, namely:—

"Provided that a Chairman as soon as he is elected by the Board shall perform the duties of his office". The section in the Bill runs as follows: —"Provided that a Chairman elected by a Board may, after his election, perform the duties of his office while the question of such approval is pending". In the proviso of this amending Bill the word is "may". I want to make it "shall" and want to omit the words "while the question of such approval is pending". It is not necessary because the words "may work" make it optional. As soon as a Chairman is elected, he should begin his work as Chairman.

If this is not done, the work of the Board will be disorganised. There will be nobody to look after the work of the Board. So, my intention is that the elected Chairman should take up the work at once. It shall be obligatory upon the Chairman to take up the work for the benefit of the Board itself. From the Act we find that the Chairman is the executive head and that the Secretary has got no executive function to perform except what is delegated to him. The Chairman is the only important man in the Board. Section 18 of the Act says, "All orders of the Board shall be carried into effect by the Chairman in whom the entire executive power of the Board shall be vested and who shall be responsible for giving effect to such orders". From the experience of the working of the local boards and municipalities, we find that they used to experience difficulties at that time because the elected Chairman could not take charge of the office, and as a result the people of the local boards used to suffer. So, this proviso should be altered in the proposed way.

With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 6 of the Bill, for the proposed proviso, the following be substituted, namely:—

"Provided that a Chairman as soon as he is elected by Board shall perform the duties of his office."

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the motion. Unless this permissive word "may" is changed to the mandatory word "shall", trouble will arise in future. What will happen if the elected Chairman does not take charge of his office? It is very necessary that the elected Chairman should begin to function from the very day of his election. Why it should be left to Government to decide

whether the Chairman should perform his duties from the day of his election or not? Perhaps in reply it will be said that the word "may" is used in legal drafting. According to the British Constitution, the British Sovereign has got the power to veto even legislative enactments passed by both the Houses of Parliament. But that power is never exercised. Here in our country whenever any such power is with the Government, they always use it. So, we are apprehensive of that. We do not like that Government should be given any authority over the elected Chairman to allow him or not to allow him to perform the duties of his office. For this reason, the word "may" should be changed to the word "shall". I hope this amendment will be accepted by the House.

Mr. LALIT CHANDRA DAS: Sir, the word "may" is permissive and the word "shall" is imperative. Now, the election of Chairman requires to be approved by Government. The Opposition wanted to do away with the clause requiring the approval of Government. They have failed. Now they have devised this method. The word "may" is appropriate and the word "shall" is inappropriate. Therefore, Sir, I oppose the amendment.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I oppose the amendment, as it conflicts with the decision arrived at by the House on amendment No. 71.

Mr. DEPUTY PRESIDENT: The question before the House is: that in clause 6 of the Bill, for the proposed proviso, the following be substituted, namely:—

"Provided that a Chairman as soon as he is elected by Board shall perform the duties of his office."

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 8 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. DEPUTY PRESIDENT: The question before the House is: that the Title and Preamble be added to the Bill.

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: I would like to know if there is any objection to taking up the Third Reading of the Bill today.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, a convention has been developed by the late President that the Third Reading of a Bill should not be taken up on the day on which the Second Reading is finished.

Mr. DEPUTY PRESIDENT: All right. The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Friday, the 20th November, 1942.

Members absent.

The following members were absent from the meeting held on the 19th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. N. C. Dutta.
(8) Mr. K. K. Dutta.
(9) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(10) Mr. R. W. N. Ferguson.
(11) Khan Bahadur Mohd. Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Sir T. Lamb.
(15) Mr. J. McFarlane.
(16) Mr. N. N. Mookerjee.
(17) Dr. R. K. Mookerjee.
(18) Mr. R. Pal Chowdhury.
(19) Khan Bahadur Muklesur Rahman.
(20) Dr. K. S. Ray.
(21) Rai Bahadur Radhica Bhusan Roy.
(22) Mr. B. K. Roy Chowdhury.

BGP-42/3-9453A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 23.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 20th November, 1942, at 3 p.m., being the twenty-third day of the Second Session of 1942, pursuant to section 62 (2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

Firing in Dacca Central Jail.

53. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether on the 31st August there was firing in the Dacca Central Jail resulting in the death of over thirty prisoners?

(*b*) Will the Hon'ble Minister be pleased to make a statement giving the number of prisoners killed or injured?

(*c*) What steps do the Government intend to take to prevent a recurrence of such occurrence?

(*d*) Do the Government propose to institute a non-official enquiry into the incident?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Home Department): (*a*) Yes.

(*b*) A statement is laid on the Table.

(*c*) and (*d*) Government propose to hold an enquiry by experienced Judicial Officers and to take suitable action on their report.

Statement referred in reply to question No. 53.

1. Number of prisoners who died on the spot—

(*a*) Hindus	 5	12.
(*b*) Muslims	 7	

2. Number of prisoners injured and admitted into Jail hospital :—

(*a*) Hindus	 88	
(*b*) Muslims	 63	155.
(*c*) Others	 4	

3. Number of prisoners who died subsequently in Jail hospital from amongst those admitted into Jail hospital :—

(*a*) Hindus	 15	
(*b*) Muslims	 8	25 (all criminal security prisoners).
(c) Christians	 2	
(*d*) Hindu	 1	(ordinary convict).

Mr. MESBAHUDDIN AHMED: When is the proposed committee going to be appointed?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Very shortly.

Mr. MESBAHUDDIN AHMED: Can you give an approximate idea of the date?

The Hon'ble Khan Bahadur M. ABDUL KARIM: No.

Work-sircars.

54. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that Hon'ble Minister in charge of Communications and Works Department stated on the 17th February, 1942, on the floor of this House in reply to question No. 40 that the scheme for the betterment of the service of the work-sircars of the Communications and Works Department was still under consideration of the Government, and that he hoped that final orders will be passed at an early date?

(*b*) If the reply to part (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if by this time the final orders have been passed? If not, what are the reasons for such delay and when will the scheme be enforced?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) Yes.

(*b*) It was decided by Government that the scheme must take its chance when schedules of demands for inclusion in the budget are next called for. It was also decided by Government that schedules procedure for new expenditure should again be suspended this year and that no provisions should be made in the budget estimate for 1943-44 for new expenditure unless such expenditure has a direct bearing on Civil Defence or prosecution of the War. Government is, however, considering the feasibility of allowing this scheme to pass through the schedules this year for its inclusion in the next year's budget.

Adjournment Motion.

Mr. DEPUTY PRESIDENT: I have received notice of a motion for adjournment from Khan Bahadur Saiyed Muazzamuddin Hosain which seeks to discuss a definite matter of urgent public importance, namely, the

arbitrary conduct of the Ministry in withholding publication of the Chief Minister's statement made on the floor of the House yesterday regarding the Kishoreganj mosque shooting tragedy.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it is a very urgent and important matter, because it relates to interference with the freedom of the Press. The Hon'ble Chief Minister made a statement on the floor of this House yesterday. There was no secrecy about it and even the visitors were not cleared from the galleries. And yet it is not understood why an order was issued by the Press Officer saying that the details of the statement should not be published in any paper. This is a glaring instance of interference with the freedom of the Press. It is well-known that the public mind is very much agitated over the Kishoreganj incident. Sir, we have not been allowed to discuss the adjournment motion as it is said that several cases arising out of the Kishoreganj incident are *sub judice*. Besides your ruling on the point is still pending. Even the statement of facts which has been made by the Hon'ble the Home Minister and which was absolutely non-committal is not to be published in the papers. I do not understand why it should be so. The Hon'ble Chief Minister only stated the bare facts. It could not possibly affect the case which is being instituted, because he did not deal with the details at all—with the points specially whether the crowd was peaceful or riotous. He did not deal with those questions at all, which had a chance of being made issues in the cases which have been instituted. He dealt at some length with the order to issue licence only and very briefly mentioned the fact of the firing without making any commitment either way. In spite of that, why these should not be published, we do not understand. If freedom of the Press is to be restricted in this way, we do not know what we are to do. We should be permitted at least to ventilate our grievances by discussing the question thread-bare. During the old bureaucratic regime when there was a similar occurrence at Kulkati, there was a public meeting at Barisal which was presided over by Sir Abdur Rahim and our present Chief Minister himself was a speaker——

Mr. DEPUTY PRESIDENT: Order, order. At this stage, I am to consider only the admissibility of your adjournment motion. I want to know what is the source of your information that the Ministry has withheld publication of the statement made by the Hon'ble the Home Minister yesterday.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have heard it from a very reliable source—from Mr. Israil, who had a talk with the people of the "Azad" office and they gave out that the statement made by the Hon'ble the Home Minister——

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, to avoid further waste of time, I may tell my honourable friend that the Ministry had absolutely

nothing to do with the publication or non-publication of the statement and that his reliable source has given him a most unreliable information.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Have the Press got the permission to publish the statement even now?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not a question of permission. You are condemning the Ministry for withholding the publication of the statement in the Press. The Ministry did not withhold the publication.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is not the Ministry liable for the acts done by its subordinates?

The Hon'ble Mr. A. K. FAZLUL HUQ: Nobody has prohibited the publication of this statement in the Press. You can have it from the Press why they have not published the statement.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Press say that they have been asked by the Press Adviser not to publish the statement.

Mr. DEPUTY PRESIDENT: Order, order. Apart from the statement just now made by the Hon'ble the Home Minister, I may just point out to the Leader of the Opposition that under provision 62(2)(*a*) of the Government of India Act, 1935, the debates of each day's sitting of the House are to be published and nobody can stop it and when the proceedings will be published in a booklet form, it will be available to each and every member of the public, not to speak of the members of the Legislature. So, I cannot understand how yesterday's statement, being a part of the proceedings of this House, could be withheld by anybody?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But it has been withheld.

Mr. DEPUTY PRESIDENT: You seem to be labouring under a misapprehension.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, Sir. I have definite information that the Press Adviser told the Press not to publish the statement——

Mr. DEPUTY PRESIDENT: Order, order. I am not satisfied with the arguments advanced in favour of this adjournment motion being moved; so I disallow the motion.

Non-official Motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Mr. DEPUTY PRESIDENT: The House will now resume discussion on non-official motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Mr. NUR AHMED: Sir, I beg to move that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make a strong representation to the Government of India to withdraw or modify the Laws and Rules prohibiting the sale of salt manufactured or produced in coastal areas of Bengal beyond the coastal areas and to allow the sale of salt outside such areas in Bengal.

Sir, this is a very simple motion which deals with a vital commodity of human being. I have made it clear in my motion what is the purpose of this motion. Let me first briefly state the history of the manufacture of salt in Bengal, both in the past and in the present time. It appears from the records of foreign travellers who came to Bengal during the Muhammadan Rule that Bengal was once self-sufficient in the production of salt, and not only that Bengal used to export salt to other parts of India. We find that during the time of Nawab Alivardi Khan (1740-1756 A.D.) large quantity of salt, which was cheaper at that time, used to be imported to Malwa, Assam, Benares and Allahabad. It also appears that between the years 1763 and 1857 salt used to be manufactured in Bengal and there were various methods of imposing duty on salt. In Sundarbans, Tamluk, Hijli, Chittagong and 24-Parganas about 56 lakhs of maunds of salt were used to be manufactured and exported to other provinces. Sir, it appears that when the foreign salt invaded Bengal in 1892, from that year manufacture of salt was prohibited in the Sundarbans. Now, 140 lakhs maunds of salt are imported from outside every year. This province requires more than about 80 lakhs maunds of salt and the remainder goes to other provinces Sir, about the possibility of manufacture and production of salt, the latest enquiry has been made by Mr. Mukherjee and Mr. N. Rao. They have proved by facts and figures that there is every possibility of manufacture of salt even up to 46 per cent. of Bengal's consumption. And, they have indicated two methods, one method which is congenial to Bengal, i.e., boiling and evaporation. This is the easiest method. It also appears from statistics that during the time of Lord Cornwalis there were 4 agencies,—Hijli, Tamluk, 24-Parganas and Chittagong, and of these agencies, Hijli used to produce 11 lakhs maunds, Tamluk about 9 lakhs maunds, 24-Parganas 6 lakhs maunds and Chittagong about 8 lakhs maunds, in all 34 lakhs maunds. Sir, those golden days are gone. In the coastal area of Bengal salt is still manufactured. The people living there, know how to manufacture salt in their own primitive way, that is, by evaporation and boiling.

Sir, owing to the prevalence of war leading to high prices of salt and stoppage of import of salt from foreign countries, there was a great scarcity

of salt. As the result of that people living in coastal areas used to manufacture and the salt manufactured by the people were sold at a cheaper rate than salt imported from abroad. At first when there was a great scarcity, Government relaxed their rules and people were allowed to sell their production elsewhere, in markets outside the coastal area. I have alluded to the prohibition of manufacture of salt. Sir, for the convenience of the members of the House, I will briefly allude to the famous Gandhi-Irwin Pact. One term of that pact was that without licence people would be allowed to produce and manufacture salt in the coastal areas; but a condition was also laid down that they would not be allowed to sell such salt outside the coastal areas. Now, Sir, there is a great demand for salt in the country and if this restriction still subsists and the price of salt rises in the abnormal fashion, then the poor people in this country will have to suffer a great deal for salt is indispensable to every human being. Such restrictions, as far as I remember, have been withdrawn from Madras which has made very great advance so far in the manufacture of salt. The method of this manufacture of salt is very simple. The people gather water in certain pots and allow it to evaporate by sun's rays. In this way they manufacture salt for their own consumption. In this connection I must say that one thing is peculiar as regard Bengal. Bengal is the only province in India which depends upon imported salt; other provinces of India are self-supporting in this respect. Madras uses its own salt, the Punjab uses its own salt but it is Bengal who to her shame has got to import salt from abroad. If at least during the war period this restriction is withdrawn then the people will come forward to manufacture salt in larger quantities and be able to supply other towns and places also. Another advantage will flow from this and it is that a large number of people will be employed by this process. A question may be raised and it is as to how the Government of India will levy the salt duty. This may be done in the manner as solved in Madras and other big towns: salt depots may be opened at a small cost and all salt thus manufactured will have to be sent to these central depots and thus a duty can be levied on them; so that there will be no difficulty in levying this duty. This is a very important matter and I appeal to the House to accept the motion which is very vital from the economic point of view of Bengal.

Mr. DEPUTY PRESIDENT: Motion moved: that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make a strong representation to the Government of India to withdraw or modify the Laws and Rules prohibiting the sale of salt manufactured or produced in coastal areas of Bengal beyond the coastal areas and to allow the sale of salt outside such areas in Bengal.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the motion whole-heartedly. It is a very reasonable request which has been made so very timely by my esteemed friend Mr. Nur Ahmed. We

are badly in need of salt and at times due to transport difficulties shortage in supply of salt has occurred much to our inconvenience. So it is very necessary in these days that we should be self-supporting in respect of salt and when there is an opportunity of our becoming self-supporting in respect of salt, why should we depend on other provinces and countries? My friend's request is also very modest; for he does not want that the salt thus manufactured should not be taxed. He is quite willing that it should pay its due tax and for this purpose has suggested that there may be central depots where such salt should be brought, so that the duty may be levied for sale on a commercial scale. So far as I know, Government have been already encouraging the manufacture of such salt, for I know that in the Midnapore district one or two Companies have started manufacturing salt on an extensive scale. But my friend will be content only with the primitive way of manufacturing salt. It will be only on a very small scale, namely, by boiling and evaporation merely, and not in accordance with elaborate and up-to-date scientific methods. I think it is a very modest request and there cannot be any two opinions that it should be acceded to by the Government and that Government should also at this time of the need come forward and accept this resolution readily. With these words, I support the resolution.

Mr. HUMAYUN KABIR: Sir, I whole-heartedly support this resolution. I think, Sir, that this is a very timely move. We have been pressing for the supply of salt on a larger scale for a long time; but the recent crisis in the matter of transport has made it more urgent and has brought the urgency of this problem home to every single man of this province. I think, Sir, you are aware that in recent months at times there has been such scarcity of salt in certain localities that the prices shot up to an unprecedented height. If Bengal manufactured salt in questions sufficient to meet her requirements, and there is no reason why it should not, —then this trouble would not have occurred and the poor people would not have suffered the difficulty which they have been doing at present. Therefore, Sir, this resolution which deserves the support of all sections of the House at any time is more acceptable to the House now and should be whole-heartedly supported by everybody. I hope Government will not only accept it and forward to the Government of India but they should also put all the pressure that they can bring to bear upon the Government of India to modify the rules and allow the manufacture of salt on a large scale in the different parts of the province. With these words, I support the resolution.

Mr. LALIT CHANDRA DAS: Sir, I also want to extend my whole-hearted support not only on my behalf but on behalf of my party as well to the motion which has been moved by my honourable friend Mr. Nur Ahmed urging the Government to modify the law in such a manner as to enable the manufacture of salt by the people of this province and to sell it beyond the coastal areas. Time is very hard and there is a cry throughout the length and breadth of the province about the dearth of salt—salt

is not easily available and even if it is available, it is available at a prohibitive cost which it is impossible for poor men to pay—when there are manufacturers near at home in Bengal. Manufacturers of salt in the coastal areas should be given all facilities to supply the needs of Bengal. So the request made in this resolution is very reasonable and I extend my whole-hearted support to it.

Rai Sahib JATINDRA MOHAN SEN: On behalf of the party to which I belong I also extend my whole-hearted support to the resolution moved by my friend Mr. Nur Ahmed. The restrictions which have been imposed by the Government of India were imposed at a time when there might have been fiscal reasons for doing so. But in view of the present economic difficulties prevailing in the country, those restrictions should be relaxed if not entirely removed. There is a good deal of dearth of salt: as a matter of fact, there is scarcity regarding the availability of salt. Salt is one of the most important items in our foodstuff. So it should be made as cheap as possible and its availability should be widened. In that view, the restrictions that have been imposed by the Government of India should be entirely removed at the present time.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, following the usual practice in case of motions of this nature the Government of Bengal would very gladly forward to-day's proceedings with regard to this matter to the Government of India for their favourable consideration.

Mr. DEPUTY PRESIDENT: The question before the House is the non-official motion of Mr. Nur Ahmed that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make a strong representation to the Government of India to withdraw or modify the Laws and Rules prohibiting the sale of salt manufactured or produced in coastal areas of Bengal beyond the coastal areas and to allow the sale of salt outside such areas in Bengal.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make an immediate representation to proper authorities to recruit at least one lakh of soldiers from the people of Bengal to defend India, in general, and Bengal, in particular, against the apprehended enemy attack.

Sir, with a heavy heart and with a sense of shame I move this motion. When the air-raid alert is being sounded almost daily, we find that we have not got Bengalee soldiers to defend our hearths and homes. This matter had been brought before the House on more than one occasion though not in this specific form when resolution after resolution were passed drawing the attention of the proper authorities to give facilities to Bengalees to defend their own hearth and home. Many promises have

been made and expectations raised on this issue. Then we heard that a Bengalee regiment would be formed soon, and in the next place we found that the Bengalee Battalion consisting of 700 persons has been disbanded on administrative ground. So there is no chance of a Bengalee regiment being formed in the near future. I know, of course, that the Government of Bengal are trying to induce the proper authorities to raise one lakh of soldiers from Bengal. Bengal cannot stand with her head erect before the civilised world, nay before other provinces, because other provinces can take pride that they can supply soldiers, but we cannot. We all know that Bengalees have proved their worth, their courage in the battle fields everywhere. It was with the help of Bengalee soldiers that the distant island of Java was conquered and colonised. Bengalees defended their own hearths and homes against the Marhattas' invasion. Bengalee regiment helped to conquer Kabul and Kandahar and showed to the world that they were not cowards. It will be interesting to note what Mr. Malcolm Seton stated. He said that Bengalees not only formed regiments but in those regiments the Commander who was a Bengalee had many Europeans under his command. The Defence Sub-Committee of the Round Table Conference came to the conclusion that facilities should be given to India so that she can take over the charge to defend herself. It was long ago and if facilities were given at that time for the defence preparations of India there would not have been this cry of helplessness and the enemy would not have dared to threaten us with invasion. Sir, Bengalee sailors are weathering the dangers of tumultous seas and oceans. They are everywhere, throughout the world and they are doing very excellent work and they have been praised by people who have come in contact with them. They have always proved their worth as sailors. They have also proved their valour in the field of battle. Large number of Bengalees have been recruited for labour corps but none for forming an exclusive regiment of Bengalee. I think this is a matter on which all the honourable members will agree and will support the motion. So I do not like to take the time of the House. I only explained one aspect of this question. Sir, in this House questions have been raised about military training and about cadre. But this question of raising 1 lakh of soldiers has not been raised. So I have thought it fit to bring this matter before the House. My learned friend Mr. Kabir may say this has become a daily routine to move a resolution of this character. With all respect to him, I must say that in this particular form it has not been raised and not been passed in this House. I appeal to the House to support this motion which is very important from every point of view to the Bengalees. Sir, with these few words I recommend my motion for the acceptance of the House.

Mr. DEPUTY PRESIDENT: Motion moved that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make an immediate representation to proper authorities to recruit at least one lakh of soldiers from the people of Bengal to defend India, in general, and Bengal, in particular, against the apprehended enemy attack.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the motion which has been so ably moved by my friend. Bengalees are now placed in the category of non-martial classes. They had a creditable record of martial achievements in history and their valour was known not only in Bengal but throughout India. It is fit and proper that sufficient number of recruits should be made from among the Bengalees, so that they may take their stand with other provinces of India and they may show that they can defend the country, their hearths and homes. This is a modest motion and I hope it will be supported by everybody. In these days of autonomy and when the British Government has promised to give us independence shortly after the war, unless we have military training, how can we be fit to rule ourselves and maintain our independence? It would be the duty of the Government to see that we get a trained military force at our command, so that when India is declared independent we may defend ourselves. With these words, I support the motion.

The Hon'ble Khan Bahadur M. ABDUL KARIM: This is an oft-repeated desire of the Bengalee race, and, as usual, proceedings will be forwarded to the Central Government for such action as they deem fit.

Mr. J. B. ROSS: I would just like to say a few words in regard to the resolution with the object of having the meaning of the resolution clarified. It is rather pleasant to hear a resolution of this kind moved from the Muslim League benches, particularly in view of Mr. Jinnah's fiat that members of the Muslim League should take no part in furtherance of the war effort. I would like to know from the mover whether in proposing this motion he means that the lakh of Bengalee soldiers should be recruited for the furtherance of the war effort: and by this I mean not only for the defence of Bengal in a purely defensive meaning but for the defence of Bengal in an aggressive spirit. It is no use having a lakh of Bengalee soldiers, who when they get to the Bengal frontier will sit down and say to the enemy "here we are, come on, and we will have a go at you." We must have soldiers whose movements are not going to be restricted either to the frontiers of India or of Bengal. I am afraid I cannot support this motion unless the mover makes the position in that respect perfectly clear. We have a problem in front of us at the moment —the problem of the re-taking of Burma. In my opinion the re-taking of Burma is an important part of the defence of Bengal and India and we do not want troops who will stop on our frontiers and say "so far, and no farther". Is the mover prepared to state that the lakh of soldiers, which he proposes should be recruited, are to be used outside the frontiers of Bengal or India in attack, which is always admitted to be the best form of defence? I would like some information on this point.

Mr. NUR AHMED: Sir, Mr. Ross has raised a point as to whether the soldiers will be used in defending India or for the matter of that, Burma. I have made that quite clear in my motion, namely, defending India in general, and Bengal, in particular, against the apprehended enemy attack. Sir, defence of India might mean fighting in

Singapore and also in Suez Canal, and when I framed my motion I had that also in mind, although I had not specifically mentioned it. For the defence of India it may be necessary to send troops to Burma as well. We find that as soon as Japan has conquered Burma, she is sending down aeroplanes to bomb Chittagong. So, if Burma can be re-taken, then India will be saved, or at least Bengal will be saved. By the very wording of my motion I meant to say that: I never meant to say that the force, if recruited, will be confined to Bengal only and that they would sit idly waiting for the enemy here. We must defend and take proper measures to defend Bengal from outside India also if that is thought necessary by the Government.

Mr. J. B. ROSS: Sir, the honourable member has not answered the first question I asked, which is—is his motion in furtherance of the present war efforts?

Mr. LALIT CHANDRA DAS: On a point of information, Sir. So far as this motion is concerned——

Mr. DEPUTY PRESIDENT: What is your point of information?

Mr. LALIT CHANDRA DAS: My point of information arises out of what is said by my honourable friend Mr. Ross. He has asked——

Mr. DEPUTY PRESIDENT: Let me first hear what the honourable mover of the motion has got to say.

Mr. NUR AHMED: As regards the question put by Mr. Ross, I must say that he is labouring under a misapprehension about the mandate given by the Muslim League. The Muslim League has given liberty to every individual member to help in the war efforts, if he so likes, in his individual capacity, but not on behalf of the League. As a member of the Muslim League organisation, he cannot do anything except on terms of equal footing. But it has given liberty to every member of the League in his individual capacity to help in the war efforts. Mr. Ross will find that Sir Sikander Hyat Khan, a prominent member of the Muslim League, is helping in the war efforts and recruiting soldiers. Other Muslim League members are also helping in their individual capacity, but not as a member of the organisation.

Mr. J. B. ROSS: I am still not satisfied. Does the honourable member move this motion as a member of the Muslim League or in his individual capacity, in furtherance of the present war efforts?

Mr. LALIT CHANDRA DAS: May I, Sir, add something to what Mr. Ross has said?

Mr. DEPUTY PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: Is there any use cross-examining the honourable mover of the motion as to what is at the back of his mind? We are to deal with what appears in the motion itself. This motion gives full authority to the Commander-in-Chief.

Mr. DEPUTY PRESIDENT: What do you want to say? It is not a point of order.

Mr. LALIT CHANDRA DAS: Sir, I am speaking on this motion, and also on the reply that has been given by Mr. Nur Ahmed to the question of Mr. Ross. I say, Sir, it is not a question of what is at the back of the mind of Mr. Nur Ahmed or any other member of the Muslim League. Here is a motion in which a request has been made to the effect that the Commander-in-Chief will be pleased to recruit a lakh of soldiers from among the Bengalees. Once the power is given to the Commander-in-Chief to recruit one lakh of soldiers, does it lie in the power of any member opposite or, for the matter of that of any political organisation to say that these soldiers will go this much and no further? I submit, Sir, that Mr. Ross should look at the motion, as it is worded and on its merits should either support the motion or oppose it, instead of trying to find out what is at the back of the mind of the members of the Opposition. Once a lakh of soldiers are recruited, the whole army passes under the control of the Commander-in-Chief and it is bound to obey what the Commander-in-Chief says and not what any member of the House or the Muslim League says.

Mr. J. B. ROSS: On a point of explanation, Sir. I think my friend Mr. Das has not quite got what I have said. I said that I wanted the implications of the motion to be clarified. I think that is the right of every member of this House and the motion, as it stands, is not very clear. We have had an assurance from the honourable mover that in his mind he does not propose that the activities of the soldiers that he asks to be recruited should be confined to the borders of India: they will go wherever there are operations. I also enquired whether these soldiers are intended for use in the present war as well as for future operations. Unless I know whether they are intended to be employed in furtherance of the present war, I am not in a position to decide whether I should vote for or against this resolution.

Mr. NUR AHMED: As I have already said, I have moved this resolution in my individual capacity and not as a member of the Muslim League. The Muslim League has given liberty to every individual member to help in the war efforts in any way he likes. This is the clear mandate of the League. As regards the point whether it will be for future operations or only for the present war efforts, I may say that I want that a permanent Bengalee regiment be organised which will help in the present war efforts and in the future. Bengal must have its own standing army.

Khan Bahadur ATAUR RAHMAN: Sir, I do not understand what is the use of this resolution. The recruitment to Army is already going on and every Bengalee who has the requisite health and age is eligible to join the Army as a soldier. I am myself on the Recruiting Board of the King's Commission and there I find many fine young men who are being sent to the Central Board for examination and then selected for the Commission. As regards the object of recruiting Bengalees to defend India and Bengal in particular, I think there are the Home Guards and our boys can very well enlist themselves for the Home Guards and defend our hearths and homes.

Mr. DEPUTY PRESIDENT: Order, order. Do you support the motion?

Khan Bahadur ATAUR RAHMAN: I do not support the motion *in toto*, but I am suggesting an amendment to this motion.

Mr. DEPUTY PRESIDENT: In that case, you will have to ask the permission of the House.

Khan Bahadur ATAUR RAHMAN: Sir, I want to substitute the words "to fight against the Axis Forces", in place of the words "to defend India, in general and Bengal, in particular, against the apprehended enemy attack" in line 5 of the motion.

Mr. DEPUTY PRESIDENT: Let me have a copy of the amendment.

Mr. NUR AHMED: Does my honourable friend Khan Bahadur Ataur Rahman refer to the labour forces when he speaks of recruitment to the army?

Khan Bahadur ATAUR RAHMAN: No. Recruitment to the Regular Army as Commissioned Officers is being made.

Mr. DEPUTY PRESIDENT: Amendment moved: that for the words "to defend India, in general, and Bengal, in particular, against the apprehended enemy attack" the words "to fight against the Axis Forces" be substituted.

Mr. MESBAHUDDIN AHMED: Sir, the amendment is not clear.

Mr. LALIT CHANDRA DAS: How would it fit with the whole thing?

Khan Bahadur ATAUR RAHMAN: Sir, my suggestion is that we should raise a standing army of 1 lakh from among the Bengalees——

Mr. DEPUTY PRESIDENT: Do you insist on your amendment?

Khan Bahadur ATAUR RAHMAN: Yes, Sir.

Mr. LALIT CHANDRA DAS: Sir, this amendment changes the nature of the motion now before the House. The main idea running through the motion of Mr. Nur Ahmed is that one lakh of soldiers should be recruited for the purpose of defending India, in general and Bengal, in particular. It is not clear from the amendment whether it would be for defending India or for extending the boundaries of the British Empire. So I say the suggested amendment goes against the very root of the whole question raised in the motion of Mr. Nur Ahmed.

Mr. DEPUTY PRESIDENT: Are you rising on a point of order?

Mr. LALIT CHANDRA DAS: Yes, Sir. My point of order is that it is not an amendment, because it goes against the fundamental principle embodied in the original motion itself,—it is not a modification or extension of the resolution but it strikes at the very root of the resolution. The motion of Mr. Nur Ahmed is to the effect that it would be for the defence of India, in general and Bengal, in particular. But the amendment strikes at the very root of the motion. Amendment must be for modification of the original resolution or for an extension of the scope of the motion. Therefore, Sir, I oppose it.

Khan Bahadur ATAUR RAHMAN: May I say a few words in support of my amendment? My proposal is that we want a real army who will go and fight overseas, if necessary. We have the Canadian army to fight for us here in Bengal. So, why we should not help them in fighting in other countries?

Mr. DEPUTY PRESIDENT: How do you meet the point raised by Mr. Das about altering the charaster of the motion?

Khan Bahadur ATAUR RAHMAN: It does not change the object. He wants to keep them only in India but my idea is to allow them to be employed anywhere.

Mr. DEPUTY PRESIDENT: Before I give my ruling as regards the admissibility of this amendment, I should like to know if the House is agreeable to accept it as a short-notice motion. (Cries of "No", "No" from all sections of the House.)

As there is objection, I am sorry I cannot accept it.

The question before the House is: that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make an immediate representation to proper authorities to recruit at least one lakh of soldiers from the people of Bengal to defend India, in general, and Bengal, in particular, against the apprehended enemy attack.

(The motion was agreed to.)

Non-official Resolutions.

Mr. DEPUTY PRESIDENT: The House will now take up non-official resolutions. The first item is the further consideration of the resolution moved by Khan Bahadur Saiyed Muazzamuddin Hosain regarding the Department of Industries taking up the manufacture of some of the articles which used to be imported from Japan, Germany and Italy, etc., discussion on which was not concluded on 6th November last.

Mr. NUR AHMED: Sir, I wish to say a few words in support of this resolution. This is a very humble request for the encouragement of the manufacture of those articles which used to be imported from Japan, Germany and Italy. It is an admitted fact that in the field of industry India is lagging behind and specially Bengal is lagging behind. It appears from the reports that the Government of India now purchase for war purposes about Rs. 5 crores worth of articles from the different provinces of India. Last year they purchased such articles worth Rs. 5 crores and this year the proposal is to purchase articles worth Rs. 10 crores. Most of these articles have been purchased however from elsewhere than Bengal. The North-Western Frontier Province has supplied blankets, footwear and timber articles; the Punjab has supplied cutlery and other special things; the United Provinces also have supplied such war materials but from the province of Bengal very little purchase has been made, of course excluding gunny bags from the jute mills. Excluding that some other articles in very small quantities have been purchased from this province. I am, of course, speaking of small industries, and specially of those industries which are organised by the Co-operative Department. Even in the United Provinces the Government have placed 12 crores of rupees at the disposal of the Registrar of the Co-operative Societies to be spent through the Co-operative Department for the encouragement and manufacture of war articles. So this is a very reasonable proposition and should be accepted by the House. Ten laks of rupees is a very small amount. As regards cloths, the requirements of cloth of this province are not met by the cloth production of Bengal. From statistics I find that only 16 per cent. of her requirement of cloth is produced in Bengal by the handloom weavers and 20 per cent. by the mills in Bengal, with the result that Bengal has to import 64 per cent. of her cloth requirements from other countries. Bengal also imports cloths from Ahmedabad and Bombay generally which are worth Rs. 12 crores a year. And these cloths have now increased in price. As regards cheap cloths, they used to be imported from Japan but that source has now been stopped.

So every effort should be made to manufacture cloth and the handloom industry should be revived. Here I may mention that Bengal was once famous for its silk cloth manufacture. Cheap variety of artificial silk used to be imported from Japan and now that these imports have been stopped, there is a unique opportunity of encouraging the silk manufacturing industry in Bengal. This is a matter on which much can be said in

justification of this resolution; of course there may be objection saying how will Government undertake the manufacturing of articles in this province? I may say that Government may allot this 10 lakhs of rupees and find ways and means as to how this sum will be spent on articles used to be imported from Japan. With these words, I support the resolution.

Mr. LALIT CHANDRA DAS: Sir, will you permit me to move a short-notice amendment to this resolution? I suggest that in place of the words "which have hitherto been imported from Japan, Germany and Italy", the words "such as cloth, to meet the essential and urgent needs of Bengal" be substituted. Then, it would read like "principal articles such as cloth, to meet the essential and urgent needs of Bengal, and for that purpose" and so on.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this amendment will change the whole intention of my resolution. Although I have every sympathy for this amendment, I regret that it changes the whole spirit underlying my resolution. The real object is to manufacture certain articles hitherto imported from certain countries which not being in the field now owing to the present war, we should take this opportunity to manufacture to our benefit. So it is quite a different thing from what Mr. Das says.

Mr. DEPUTY PRESIDENT: Let me know if you have any objection to Mr. Das' amendment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, I have objection. The whole resolution will be changed if it is accepted.

Mr. DEPUTY PRESIDENT: Is any Hon'ble Minister in a position to express the Government point of view?

The Hon'ble Khan Bahadur M. ABDUL KARIM: In the absence of any other Hon'ble Minister, the Leader of the House will take upon himself to speak from the Government point of view.

Sir, as was clearly anticipated by the mover of the resolution when he discussed it on the last occasion, there is a Survey Committee set up by Government in June last——.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It was June before last—about three years ago.

The Hon'ble Khan Bahadur M. ABDUL KARIM: That Committee was reconstituted in June, 1942, and that new Committee has been requested to act on the lines indicated by the former Committee, *inter alia* to submit an *interim* report on the development of those industries which may be of special import during the present emergency and also to indicate the

impediments to industrial growth in Bengal owing to war conditions. Government, therefore, are not prepared to accept this resolution, because the Industrial Survey Committee has not submitted its report and unless that report is submitted and its recommendations are considered by Government, the request made in the resolution that certain amount should be provided in the budget for helping the manufacture of certain articles, is untenable. We cannot make any provision in the budget unless there is a scheme before us. As such, while entirely sympathising with the desire of the honourable friend that the Government of Bengal should exert their utmost to develop the growth of industry, we cannot, having regard to the fact that the report is not before us and also that we ourselves are not in a position to formulate any scheme, make any provision of any amount in the budget under the rules.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, already I had anticipated a reply like this and I mentioned this in my opening speech. I have said that on a previous occasion on a similar resolution I was told—that was two years ago—that a Survey Committee had been sitting (and it has been sitting even now), and until that Committee submits its report nothing could be done. But, Sir, how long are we to wait? That Committee may take 3, 4 or 5 years to come to a decision. We certainly cannot wait up to that. Japan used to flood our markets with various cheap articles. Japan is no longer exporting those articles. Now it is our opportunity to do something towards the industrial development of the country. Should we be sleeping simply because the Industrial Survey Committee has not submitted its report? Many countries have forged ahead. They have increased their Industrial production two-fold, three-fold or even four-fold. I hear we are doing something—we are carrying out some orders received from the Government of India to supply them with some articles. But that is not a permanent industrial development. The need for those articles will vanish as soon as the war is over. We want that our industrial development should proceed methodically and systematically. There are many things that Japan used to export, viz., China-ware vessels, silk-finished articles, artificial silk. These and other articles used to flood our markets. Germany used to export many medicines which we cannot get now. Why our Chemical Industries and our Industries Department cannot produce those medicines? Paper is also short now. We have been told that from water-hyacinth paper can be produced at 5 per cent. of the cost of manufacture of paper in mills. Sir, now we have got an autonomous Government. Should we wait and sleep until the Committee submits its report?

Mr. LALIT CHANDRA DAS: On a point of order, Sir. This resolution, if carried, will impose some financial liability on the Government. Can this House do so?

Mr. DEPUTY PRESIDENT: That is with regard to Bills. Moreover, this resolution is not binding upon Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is only a valuable recommendation. It is not absolutely binding on Government. Our House has always been anxious to increase its power, if possible, and not decrease it, as my friend Mr. Das wants. However, Sir, as regards the question of money, some gentlemen from some quarters raised objection that there are so many articles to produce that this sum of Rs. 10 lakhs will not cover such a large field. But my intention is that a modest start may be given. This is the first year on which we propose to give a start and I want that money should be allotted, otherwise it will remain as a pious wish. If they allot money, the hands of Government will be forced to prepare a scheme and to see that it materialises; because if money is once allotted, it becomes a slur on Government if the same is not spent. So I want that the hands of Government should be tied in this matter. They must take it up. It is as essential as anything else. I hope the whole House, which has, as a matter of fact, given their opinion that they are in favour of the resolution, will vote for this.

Mr. DEPUTY PRESIDENT: The question before the House is: that this Council is of opinion that the Department of Industries should at once take up manufacture of some of the principal articles which have hitherto been imported from Japan, Germany and Italy and for that purpose 10 lakhs of rupees be allotted in the next budget for helping manufacture of such articles in Bengal.

The question being put, a division was challenged with the following result:—

AYES—7.

Ahmed, Mr. Mesbahuddin.	Molla, Khan Sahib Subidali.
Ahmed, Mr. Nur.	Momin, Begum Hamida.
Aziz, Khan Sahib Abdul.	Sen, Rai Sahib J. M.
Hosain, Khan Bahadur Saiyed Muazzamuddin.	

NOES—11.

Chowdhury, Mr. Khorshed Alam.	Karim, The Hon'ble Khan Bahadur M. Abdul.
Chowdhury, Khan Bahadur Rezzaqul Haider.	Maitra, Rai Bahadur B. M.
Cohen, Mr. D. J.	Rahman, Khan Bahadur Ataur.
Das, Mr. L. C.	Ray, Rai Sahib J. N.
D'Rozario, Mrs. K.	Sanyal, Mr. S. N.
Goswami, Mr. K. L.	

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the resolution—7; against the resolution—11. Therefore, the resolution is negatived.

Khan Bahadur ATAUR RAHMAN: I beg to move that this Council is of opinion that the Government of Bengal should take immediate steps to stop the recurrence of the devastating flood which is occurring every year in the Kandi subdivision of the Murshidabad district.

Sir, since 1938 certain areas measuring about 150 square miles of the Kandi subdivision is flooded every year destroying the *aman* paddy which is the only crop grown there. Apart from this, the inconvenience of communications during the flood season is very great and the cultivators in these areas suffer very badly. Then, Sir, the popular opinion is that the new railway embankment between Bandel and Barharwa which has insufficient opening is the cause of this recurring flood. But whatever it may be, it would be meet and proper that Government should take immediate steps to remove the causes so that the people of this locality may again have a bumper crop and healthy life. With these words, I commend my resolution to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council is of opinion that the Government of Bengal should take immediate steps to stop the recurrence of the devastating flood which is occurring every year in the Kandi subdivision of the Murshidabad district.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have sympathy with the object of the resolution; but it is worded in such a way that it will remain a pious wish. Government will say that they will try their best to mitigate the hardships of the people. It is such a big problem—the question of stopping this devastating flood—which occur almost every year not only in Kandi but in almost every district of Eastern Bengal—that it is impossible to tackle it without a comprehensive scheme. I think it is a very difficult problem and it cannot be tackled immediately without preparing a definite scheme and examining all the pros and cons thereof by making experiments on smaller areas. Therefore, although the object of the resolution is very good, it will remain as a pious wish. So, I neither oppose nor support it.

Mr. LALIT CHANDRA DAS: I rise to extend my support to the resolution which has been moved by my friend Khan Bahadur Ataur Rahman. We have every sympathy on this side of the House with the poor sufferers in the areas referred to. We know what the devastating effect of these floods are upon the inhabitants of the province. We know what havoc is done by the Gumti embankment in Tippera to the crops—the crops are washed away by the flood almost every year. We move resolution after resolution every year and send representation after representation. We are promised redress but redress does not come. Such is no doubt the condition of the Kandi subdivision. Every year crops of the poor *raiyats* are washed away by devastating flood and the poor cultivators are put to great hardship. They send representations after representations to Government to prevent this recurring loss and miseries to them. But up to this time, it appears that no action has been taken. So, we will wait with great interest to hear what statement the Hon'ble Minister in charge of the Communication and Works has got to make in respect of this resolution.

The Hon'ble Mr. SHAMSUDDIN AHMED: Mr. Deputy President, Sir, the question of controlling and regulating the floods in Bengal is certainly a serious problem. Since assumption of the charge of this department, I have tried to probe into the various factors relating to floods. As my honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain has said, the problem of floods does seriously affect not only the Kandi subdivision of the Murshidabad district but the whole of East Bengal and some portions of West Bengal as well. This problem has got many other problems correlated thereto. After I assumed charge of this department, I called a conference of the Brahmaputra Commission and I have an intention also to covene another conference of the Ganges Commission. You know, Sir, that the Brahmaputra and the Ganges are the two rivers which are the real cause not only of the floods but they are the two rivers which mainly feed Bengal. As I have said, this is a very complicated problem and if Government can cope with the same, they will be able not only to improve the general sanitation of this province but also to develop the agriculture on which is dependent principally over 95 per cent. of Bengal's population.

But the present resolution refers to the Kandi subdivision. In this case, there is some peculiarity. I have tried to examine the whole problem there. I have found that there the zemindars try to keep the embankments intact, I do not know for what purpose. It may be that they want to get more income out of those lands near about the embankments. These embankments are responsible for the stoppage of a free flow of water at the time of flood as a result of which certain breaches occur in those embankments at certain points and the onrush of flood-water not only devastates the crops in the Kandi subdivision but also in other adjoining places. In this particular case, I had a talk with my honourable friend Khan Bahadur Ataur Rahman and I have suggested to him a certain course of action, I propose again to visit that particular area and then I shall try and see that the problem is solved, if it can be solved at all, with the help of the people there and also with the help of the zemindars. My honourable friend the Khan Bahadur knows the locality very well and he knows whether the problem can be solved in that way. However, I have already given him an undertaking that I will go to that place and look into the affairs regarding the floods in the Kandi subdivision.

My honourable friend Mr. Lalit Chandra Das has referred to the embankments of the Gumti river where also floods take place annually. I can assure my friend of my deep anxiety to give some relief to the people of Tippera. I have not as yet been very much successful but I have referred the whole matter to the Agriculture Department and I have asked them to let me know whether any rotation crop can be grown in this particular area. Sir, in saying all this, I am not giving the usual and stereotyped official reply. I am sincerely stating the facts on behalf of Government. I have always tried to cope with the problem with the help of the engineering staff. I will seek the assistance of the honourable members of the Legislature, irrespective of whether they are the supporters

of Government or belong to the Opposition, in this matter. We all know that this is a very serious problem which vitally affects the welfare of more than 95 per cent. of the population of Bengal and a problem of such a vast magnitude cannot be tackled satisfactorily except with the sincere co-operation of the representatives of all sections of the people.

So far as this particular resolution is concerned, I have every sympathy with it. I hope with this assurance, my friend Khan Bahadur Ataur Rahaman will withdraw his resolution.

Khan Bahadur ATAUR RAHMAN: After the statement made by the Hon'ble Minister, I do not like to press my resolution. I hope the House will give me permission to withdraw the resolution.

Mr. DEPUTY PRESIDENT: Is it the pleasure of the House to allow Khan Bahadur Ataur Rahman leave to withdraw the resolution.

(The House signified its assent.)

Mr. DEPUTY PRESIDENT: The resolution is withdrawn with the leave of the House.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that this Council is of opinion that ten lakhs of rupees should be allotted in the next year's Budget for small irrigational projects in the Eastern and Northern Bengal for the purpose of reclaiming the culturable waste lands.

Sir, from the Bengal Land Revenue Commission Report we find that as much as 37 lakhs acres in Bengal are now lying fallow or waste which may be utilised for cultivation after reclamation. Government should at least start reclamation this year. This has become particularly necessary at this time because of the food problem. We are now carrying on a campaign all over the country for growing more food products, and, I ask, are we seriously taking up that? If we really mean serious business, we ought to take up this first of all. We have 37 lakhs acres of culturable waste lands and leaving aside the area for improvement of fodder and other things, you will still have 18 lakhs acres of land which even at the rate of 10 maunds of rice per acre will give one crore eighty lakhs maunds of rice annually worth about 10 crores of rupees. Why not take up this immediately in right earnest if you really want to increase our food production? Sir, probably objections will be raised as to why I have mentioned Northern and Eastern Bengal only. My object in doing so is that in Western Bengal Government have already spent lots of money on irrigational projects. Five crores of rupees have been spent in inaugurating the Damodar Canal scheme; but nothing has been done in Eastern and Northern Bengal to reclaim or irrigate the huge waste areas which are still lying in these parts of the country. Sir, it will be, I think, an unpardonable sin to allow this huge quantity of waste lands to remain unutilised when we are in need of food products and when the

income of agriculturists is so small. Sir, I want only small irrigational projects, not bigger ones like that of Damodar Canal which cost Government not less than three crores of rupees. I want small projects, like irrigation tanks, a *bund* here, a *bund* there, a small reservoir there, or a small canal here—small projects which will cost very little and at the same time they will reclaim very large areas. I think, as far as my idea goes, if we spend five lakhs of rupees over these projects, we will be assured of an income of five lakhs annually. This is a very modest resolution and it is absolutely necessary for increasing our food products, and I think there will be no one in this House who will oppose this resolution. With these few words I commend my resolution to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council is of opinion that ten lakhs of rupees should be allotted in the next year's budget for small irrigational projects in the Eastern and Northern Bengal for the purpose of reclaiming the culturable waste lands.

Rai Sahib JATINDRA MOHAN SEN: Sir, I have entire sympathy with the spirit of the resolution but if the House were good enough to permit me, I would move a short-notice amendment. As the Government may be unable to allot the ten lakhs of rupees as proposed in the resolution, and as the mover himself declared that a beginning should be made—and for this purpose even Rs. 5 lakhs may do,—for giving the industries a good start, I would propose that for the words "ten lakhs", the words "sufficient funds" may be substituted.

Mr. DEPUTY PRESIDENT: What is your suggestion? Will you please state it clearly?

Rai Sahib JATINDRA MOHAN SEN: My amendment is that for the words "ten lakhs", the words "sufficient funds" may be substituted.

Mr. DEPUTY PRESIDENT: Is the Leader of the Opposition agreeable to accept Rai Sahib Jatindra Mohan Sen's short-notice amendment?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We have no objection, Sir.

Mr. DEPUTY PRESIDENT: Mr. Sen, you can move your amendment.

Rai Sahib JATINDRA MOHAN SEN: I beg to move the following short-notice amendment, viz., that for the words "ten lakhs", in the first line of the resolution, the words "sufficient funds" may be substituted.

I beg to support the resolution as amended, because my information is that a good deal of damage is done every year in Eastern as well as Northern Bengal for want of proper irrigation facilities. Steps should, therefore, be

taken to prevent the floods as well as for the purpose of reclaiming the culturable lands which are lying fallow for want of proper arrangements to reclaim them. I, therefore, hope that Government will be pleased to accept the resolution as amended in the spirit in which I have made my submissions.

Mr. NUR AHMED: I rise to support the motion so ably moved by the Leader of the Opposition. Sir, this matter relates to irrigation which is such a vital problem for Bengal. Bengal has got the largest quantity of unculturable waste land to her debit as compared with the Punjab and Sind. From the latest statistics it appears that the Punjab has out of its total cultivable land about 44·1 per cent. irrigated land. The Government of the Punjab has invested about 500 crores of rupees on irrigation projects with the result that cultivation is very satisfactory and the condition of the peasantry there has very much improved and from this increased outturn of crops Government too has profited considerably. Government borrowed the large amount of Rs. 500 crores and invested this money on this very productive project. In Sind, about 71 per cent. out of its total cultivable land is irrigated land; but in Bengal what is the proportion of cultivated land to the cultivable land? It is only 6·2 per cent., as compared with 71 per cent., 41 per cent., and 32 per cent., in Sind, the Punjab and Madras, respectively. We find that it is only 6·2 per cent. in Bengal. Any question regarding irrigation is a vital question for Bengal. What is the area of waste land in Bengal? According to the latest information it is about 6,115,000 acres. Out of the total cultivable area of 23 million acres, 6,115,000 acres are lying waste. What is the food problem in Bengal? It is very acute especially at the present moment. Bengal requires annually 50 crores maunds of rice for its people. Bengal at present does not grow this amount. We find that of the requirement of 50 crores maunds of rice, Bengal grows only 37 crores maunds and the other 14 crores used to be imported from Burma. But that source has been stopped at least for the present. So an increased outturn of paddy crop is very necessary. This resolution deals with that very vital question and asks the Government to bring into cultivation the waste land that is lying fallow. By spending Rs. 10 lakhs, this fallow land could be brought under cultivation. Considering from that point of view, I think that this resolution should be accepted by the House. Other provinces are spending crores and crores of rupees. The amendment which has been moved by my friend Rai Sahib J. M. Sen is also good. If Government do not want to commit itself to spending such a large sum annually, they may accept the amendment which may mean a lakh of rupees or Rs. 50,000 even. So, it is a modest request and should be accepted by the Hon'ble Minister in charge.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir I rise to extend my support to the amendment which has been so ably moved by my friend to the left. We do not want to embarrass the Government by mentioning a definite sum for expenditure, as demanded in the

original resolution. The original resolution wants Rs. 10 lakhs to be set apart for this purpose only. But in view of the fact that we are passing through times of great financial stringency, we do not want to impose such a heavy burden on the Government but would like to give them a free hand in this matter. We desire that the Government should launch upon a suitable project for this purpose at an early date. During war time it may not be possible for Government to spend such a large sum of money; it may, again, be considered desirable by the Government to avail themselves of the present opportunity afforded by war situation to spend more money. So, it would be expedient not to mention any definite amount for being spent in this connection. But we would like to have an assurance from Government that as much as possible would be spent for this purpose. Government may say that the principle is accepted but they should take every possible step to facilitate the matter. Mere assurance will not satisfy us. If you, Sir, look to the other provinces—especially, the Punjab—you will see there has been vast irrigation development. They are turning out bumper crop with the help of their irrigation projects—their country is richer in production and richer in wealth. They have turned deserts into cultivable lands by means of irrigation. But here there is a general complaint that the Irrigation Department is lagging behind in the matter of planning and executing well-thought-out schemes. I do not blame the present Ministry alone but the past Ministry also had done nothing to develop irrigation in this province. The past Ministry took time to examnie the possibilities of the different projects and could do nothing. It is high time that Government should formulate some definite and workable scheme for developing the irrigation of this province. Government is clamouring to grow more food. But for growing more food we cannot depend on rain alone. We must take some step so that in case of failure of rain or drought or flood, we may be able to grow more food according to our requirements. This is a proposition which involves no financial liability on the part of Government. If we can cope successfully with these measures, the return of crops will be sufficient to meet the expenditure. A successful irrigation scheme will give a good return of money, health and prosperity.

With these few words, I support the amendment and I also support the principle of the original resolution.

Mr. LALIT CHANDRA DAS: Sir, my friend Rai Sahib Jatindra Mohan Sen has moved an amendment that in place of the definite sum of Rs. 10 lakhs sufficient money should be allotted. I submit, Sir, that the food problem is a great problem in Bengal. We are feeling the necessity of the reclamation of culturable waste lands so much now that we cannot allow this resolution to pass without making our own remarks on it. Sir, things are happening in Bengal which never happened in Bengal before. The price of rice and other necessaries of life has gone up to such an extent that people cannot afford to get enough to keep body and soul together. There is scarcity of rice even in East Bengal districts which were well-known for surplus production of rice. Rice has been selling there at

Rs. 18 a maund which is unheard of in the history of Bengal. Now, if these culturable waste lands can be brought under cultivation and steps are duly taken by Government to see that more food is grown on those lands, then, Sir, the problem of food-scarcity can be easily solved. Sir, what is urged in this resolution is that Government should take some steps for small irrigational projects in Eastern and North Bengal for the purpose of reclaiming all culturable waste lands, lands that are lying fallow. That is the underlying principle of this resolution and the principle is such that it commends itself to us. The Opposition has demanded that Rs. 10 lakhs should be allotted for this purpose. But the difficulty with respect to this consists in the fact that in the absence of any scheme Government cannot sanction money, whether the amount is big or small. So, I think if the mention of the sum of Rs. 10 lakhs is deleted and sufficient scope is left to the Government to deal with the situation, the resolution becomes acceptable. So, my friend Rai Sahib Jatindra Mohan Sen's amendment is very suitable and I support the amendment.

Mr. W. B. C. LAIDLAW: Sir, on behalf of my party I should like also to express our full sympathy with the resolution as amended by Rai Sahib Jatindra Mohan Sen. We feel that in present conditions Government can hardly refuse to take any measure which will aid the production of foodstuffs in the immediate future. Mr. Das has already spoken of the high price of foodstuffs and there is widespread hardship from that source, and, it seems to me that it is a matter which Government must place well in the forefront of all its deliberations. My recollection is that some years ago a contour survey was undertaken. It seems to me that the findings of that committee are before Government and it ought to be very much simpler for Government to undertake the type of scheme which the mover has in mind.

The Hon'ble Mr. SHAMSUDDIN AHMED: Sir, as I have already expressed in connection with the previous resolution, the irrigation problem of Bengal is different from the other provinces. My friend Khan Bahadur Saiyed Muazzamuddin Hosain has said that by small irrigational projects he means a *khal* here and a *khal* there. Well, Sir, there is no principle involved in this resolution which, on behalf of the Government, I am reluctant to accept. The principle is already there and my friend is well aware that every year Government has been spending large amounts on small irrigational projects.

Sir, referring to the bigger problem of irrigation, in my Budget speech before the Assembly I made a comprehensive survey of this problem in this province and I related before the House that so far as it lies in my power I will do everything to solve this important problem. It is very well-known that if proper irrigation work is done in Bengal, then the health problem will be solved, the food problem will be solved and many other problems will be solved. These irrigation works would require a vast

amount of money and as my friend, Mr. W. B. G. Laidlaw, has said, a contour survey was made, but on account of the war the whole scheme has been left where it was. Possibly two or three engineers have been taken away for war purposes and I do not know if the services of all of them will be requisitioned!

Mr. DEPUTY PRESIDENT: Our time is up. How long will you take to finish your speech?

The Hon'ble Mr. SHAMSUDDIN AHMED: I may finish in five minutes or I may take longer.

Mr. DEPUTY PRESIDENT: In that case, I would adjourn the House now. But may I enquire from the Hon'ble the Leader of the House what will be our business on Monday next?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Third Reading of the Primary Education Bill.

Mr. DEPUTY PRESIDENT: All right. The House now stands adjourned till 2-15 p.m. on Monday, the 23rd November.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 23rd November, 1942.

Members absent.

The following members were absent from the meeting held on the 20th November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. S. C. Chakraverti.
(6) Mr. Hamidul Huq Chowdhury.
(7) Mr. Humayun Reza Chowdhury.
(8) Mr. B. C. Datta.
(9) Mr. N. C. Datta.
(10) Mr. K. K. Dutta.
(11) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(12) Mr. R. W. N. Ferguson.
(13) Mr. Mofiamed Hossain.
(14) Khan Bahadur Mohd. Asaf Khan.
(15) Maulana Mohd. Akram Khan.
(16) Mr. J. McFarlane.
(17) Mr. N. N. Mookerjee.
(18) Dr. R. K. Mookerjee.
(19) Mr. R. Pal Chowdhury.
(20) Khan Bahadur Muklesur Rahaman.
(21) Dr. K. S. Ray.
(22) Rai Bahadur Radhica Bhusan Roy.
(23) Mr. B. K. Roy Chowdhury.
(24) Mr. K. C. Roy Chowdhury.

BGP-42/3-9543A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 24.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 23rd November, 1942, at 2-15 p.m., being the twenty-fourth day of the Second Session of 1942, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

QUESTIONS AND ANSWERS

Agricultural labourers.

74. Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether jute restriction has adversely affected the agricultural labourers;

(*b*) whether agricultural labourers were getting on an average of not less than Rs.15 per acre as wages for weeding and reaping of jute crops and whether they have been deprived of most of it on account of jute regulation;

(*c*) whether he has calculated the total loss of agricultural labourers on account of jute regulation last year; and

(*d*) how the Hon'ble Minister proposes to compensate the agricultural labourers for the loss?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No.

(*b*) The average income of agricultural labourers varied from Rs.12 to Rs.15. The agricultural labourers were not deprived of their income as they had employment on lands set free from jute for growing of substitute crops.

(*c*) and (*d*) Do not arise.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if he is aware that for growing jute the labour wanted is three times than that for growing paddy.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Of this I am aware that it is somewhat higher than that for paddy.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I refer the Hon'ble Minister to Mr. Carbery's (the Director of Agriculture) statement in which he said that the average cost of cultivation of an acre of jute is from Rs. 75 to Rs. 120 and that of paddy is only Rs. 21 to Rs. 33, so it is at least three times, if not four times.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I would express no opinion on that point now.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Am I to take it then that the Hon'ble Minister in charge of Agriculture is not aware what is the cost of cultivation of jute and what is the cost of cultivation of paddy?

The Hon'ble Khan Bahadur M. ABDUL KARIM: We are generally aware of the approximate cost, but we cannot vouchsafe for the accuracy of the figures given.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not three times higher than that of paddy at least?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Experience has shown that such figures cannot be taken as absolutely correct, for they are very approximate.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Even if they are approximate, it must be at least two times of the labour charge, and so are not the agriculturists being deprived of the land being utilised for better crop at cheaper cost, namely, paddy instead of jute?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Might possibly be.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the Hon'ble Minister states that the average income varied from Rs. 12 to Rs. 15. But he has not said whether this is the annual income or monthly income.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I cannot answer that without investigation.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Unfortunately, Sir, the Hon'ble Nawab Bahadur is not present and it is not expected to have answers to our questions from the Education Minister.

Mr. MESBAHUDDIN AHMED: Then what was the use of his undertaking the task of answering this question?

Sugar shortage.

42. Mr. LALIT CHANDRA DAS (on behalf of Mr. Naresh Nath Mookerjee): (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what steps the Government propose to take to meet the situation created by the sugar shortage in the province?

(*b*) Is it a fact that difficulties in railway transport from Bihar is responsible for this shortage?

(*c*) If so, do the Government propose to arrange for its conveyance by any other alternative route or method of transport?

(*d*) Is it a fact that sugar permits to Bengal have been issued on the Bihar mills only by the Government of India?

(*e*) Do the Government propose to ask the Government of India to transfer these permits on mills in the United Provinces?

(*f*) What are the reasons which led the Government to remove the control on the price and sale of sugar?

(*g*) Was it due to any defect in the machinery: If so, do the Government propose to take steps to improve the machinery and restore the control on sugar prices and sales?

(*h*) Do the Government propose to appoint a Committee of Members of both Houses of the Legislature as well as experts to give advice and serve as a check on any machinery that may be set up for rationing and/or control in the sale of sugar?

(*i*) Is there any likelihood of more sugar being available to the people of this province in the near future?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Since the answers were sent to the Press there have been some developments and I am giving the House modified answers to some extent.

(*a*) Government have taken steps to accelerate the supply of sugar and to improve the system of distribution. So far as the districts are concerned, 50 per cent. of the sugar in the Bengal mills has been placed under the disposal of Government, and a zonal scheme for the distribution of this sugar among a large number of districts has been drawn up. According to this scheme all the districts have been allotted quotas up to the limits of which they can draw on sugar at the disposal of Government. In Calcutta, Government have opened 140 approved retail shops through which they are making available small quantities of sugar to the individual consumers. These steps have eased the sugar position appreciably and reduced the hardships to consumers.

(*b*) Yes.

(*c*) Government are endeavouring to do their best in consultation with the Railway authorities and steamer companies. No other means of conveyance seems to be practicable at present.

(*d*) All the mills but two are situated in Bihar. The exceptions are two United Provinces mills.

(*e*) Government took up the matter with the Sugar Controller of the Government of India some time ago, but the latter has been unable to issue any additional permits on United Provinces factories.

(*f*) Controlled prices have not been removed. Control over the distribution and sale in retail, that is, to individual consumers was removed because Government did not possess the organisation necessary to control so large and complicated a trade efficiently.

(*g*) Yes. The setting up of a new machinery is under discussion with the trade.

(*h*) No.

(*i*) Supplies are now increasing, and if there is no further dislocation in transport, they are likely to improve in the near future.

Supply of rice, etc.

43. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether Government are aware of the anxieties of the people of the Province due to want of the regular supply and availability of rice and other necessaries of life and of the prohibitive prices thereof?

(*b*) Will the Hon'ble Minister be pleased to make a statement showing steps already taken and steps intended to be taken by the Government to meet the situation?

(*c*) Do Government propose to appoint a Standing Advisory Committee to advise the Government to meet the situation?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) Yes, statement already made.

(*c*) A general advisory committee already exists.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government is aware that in Comilla prices of rice rose up to Rs. 15 per maund?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Yes, that is so. The prices shot up only for a short time, according to official information.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that in Mymensingh it shot up to Rs. 18.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Yes, that is so; in some areas and all that the Government could do under the circumstances was to send about 25,000 maunds of rice to Tippera and 50,000 maunds in Mymensingh.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to answer the second part of question (*b*)? Will he make a statement, showing steps taken and steps intended to be taken? This has not been answered.

The Hon'ble Khan Bahadur M. ABDUL KARIM: The answer is: "statement is already made on the floor of the House".

Mr. LALIT CHANDRA DAS: I want to know what steps are intended to be taken to meet the situation?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Government are taking all possible steps to ease the situation.

Disturbances at Bhanga.

47. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the circumstances leading to the death of a Police Sub-Inspector at Bhanga in the district of Faridpur;

(*b*) the total number of casualties among the police and the public;

(*c*) the total number of persons arrested after the incident;

(*d*) how many of such arrested persons are lawyers, teachers and students;

(*e*) if any of the arrested persons have been released on bail; and

(*f*) what steps the Government have taken to ensure that no communal trouble may arise out of the incident?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Sub-Inspector Ruhini Ghosh died as the result of a murderous and brutal assault upon him by members of an unlawful and violent procession which he was engaged in dispersing in the performance of his duty.

(*b*) Police—1 killed and 9 injured.

Public—So far as known 13 injured.

(*c*) 64.

(*d*) Lawyers—2.

Teachers—3.

Students—27.

(*e*) Yes.

(*f*) There is no communal tension at present. The situation is being watched.

Rai Sahib JATINDRA MOHAN SEN: Will the Chief Minister be pleased to state what was the common object of the unlawful and violent procession for which the firing was made?

The Hon'ble Mr. A. K. FAZLUL HUQ: The incident took place some time ago. I forget what it was.

Rai Sahib JATINDRA MOHAN SEN: Will the Minister be pleased to state the approximate number of people which composed the unlawful procession?

The Hon'ble Mr. A. K. FAZLUL HUQ: Speaking from memory, about 150 persons.

Rai Sahib JATINDRA MOHAN SEN: Is it the information of the Hon'ble Chief Minister that the lawyers and teachers and the students, who were arrested, formed part of the procession?

The Hon'ble Mr. A. K. FAZLUL HUQ: Question (*d*) refers to arrests of persons. They were arrested by the police on information then at their disposal. That does not necessarily mean that they had taken part or it has been proved that they had been in the procession. Many of them have since been let off.

Rai Sahib JATINDRA MOHAN SEN: Is there any case pending against lawyers, teachers and students?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice as to the present position so far as these cases are concerned.

Bhati area.

52. Khan Bahadur S. M. HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what amount was spent in each thana of the Kishoreganj *bhati* area in the Mymensingh district in each month since the starting of the relief operation there, separately under the heads—

(1) agricultural loan,

(2) the gratuitous relief, and

(3) the test relief works;

(*b*) what is the number of disabled indigents and helpless indigent orphans in each thana of the *bhati* area, and whether they are in receipt of weekly or fortnightly doles; if not, why not;

(*c*) what is the number of able-bodied indigent women who were hitherto in receipt of paddy doles, and if any work on gratuitous relief has been provided for them; if not, why not;

(*d*) whether the Government are aware that a large number of indigents were living on *quoi* (an aquatic plant) throughout December, last;

(*e*) whether they are aware that with the sowing of *boro* even *quoi* has disappeared;

(*f*) whether they are aware that the disabled indigents are dying of starvation;

(*g*) whether it is a fact that subsistence loans had to be given to the agriculturists of the *bhati* area four or five times up till November last; and

(*h*) whether the Government are aware that a detailed plot-to-plot enquiry was made in the Ashtagram thana last year, and it was found that the cultivation of *rabi* crops had decreased by more than 75 per cent. since the District Settlement operations?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Pramatha Nath Banerjee): (*a*) A statement is laid on the Table.

(*b*) Gratuitous relief in regular doles were given so long as necessary to all disabled indigents and helpless indigent orphans, and to all other persons who deserved such relief.

Separate figures for each of these classes are not available. The total number of persons who received gratuitous relief in various thanas of the *bhati* area was as follows:—

Bajitpur police-station	...	3,178
Nikli police-station	...	4,761
Katiadi police-station	...	1,210
Tarail police-station	...	1,308
Karimganj police-station	...	650
Bhairab police-station	...	1,732
Astagram police-station	...	14,811
Itna police-station	...	3,615
Total	...	31,265

(c) Separate figures for able-bodied indigent women are not available. The total number of persons in receipt of paddy doles in the various thanas was as follows:—

Bajitpur police-station	...	388
Nikli police-station	...	1,521
Katiadi police-station	...	786
Tarail police-station	...	488
Karimganj police-station	...	420
Astagram police-station	...	10,665
Bhairab police-station	...	385
Itna police-station	...	1,277
Total	...	15,930

In deserving cases gratuitous relief was continued up to March, 1942, and able-bodied women who could not go out for attending test works were given paddy doles.

(d) Some persons eat this even in normal years. The number was slightly greater in 1941.

(e) A small percentage had disappeared.

(f) No.

(g) Yes. Subsistence loan was given in the *bhati* area three or four times before the 15th November, 1941.

(h) A detailed enquiry was made in police-station Astagram to find out the extent to which the cultivable lands had gone out of cultivation, and it was ascertained that there had been a decrease of 18 per cent. in the net sown area, and 28 per cent. in the *dofasli* area. Separate figures for *rabi* crops are not available.

Statement referred to in reply to question No. 52.

	Itna.	Nikli.	Astagram.	Bajitpur.	Karimganj.	Tarail.	Bhairab.	Kuliarchar.	Katiadi.	Total.
July, 1941.	Rs.	Rs.	Rs. a.	Rs.	Rs. a. p.	Rs. a.	Rs.	Rs.	Rs.	Rs. a. p.
Agricultural Loan ..	14,945	19,555	16,000 0	7,960	..	4,000 0	7,095	2,040	2,000	73,595 0 0
Gratuitous Relief ..	..	500	500 0	20	10 0 0	100 0	..	..	..	1,130 0 0
Test Relief ..	..	..	..	270	14 13 6	120 0	..	20	..	424 13 6
August, 1941.										
Agricultural Loan ..	29,073	26,435	19,437 0	9,797	6,400 0 0	15,027 0	17,465	9,228	2,138	1,35,000 0 0
Gratuitous Relief ..	1,600	1,100	200 0	525	200 0 0	200 0	600	..	20	4,445 0 0
Test Relief ..	..	..	..	255	60 0 0	75 0	..	25	..	415 0 0
September, 1941.										
Agricultural Loan ..	2,000	16,000	17,000 0	3,500	4,000 0 0	1,300 0	..	5,000	1,200	50,000 0 0
Gratuitous Relief ..	1,000	2,655	2,900 0	170	150 0 0	200 0	500	..	300	7,8[illegible]5 0 0
Test Relief ..	..	..	..	..	..	..	..	..	..	..
October, 1941.										
Agricultural Loan ..	14,500	23,000	17,000 0	20,894	5,000 0 0	8,700 0	17,000	1,591	2,295	1,09,980 0 0
Gratuitous Relief ..	1,150	1,300	4,900 0	785	150 0 0	100 0	700	..	700	9,785 0 0
Test Relief ..	..	..	..	..	..	..	..	..	..	..
November, 1941.										
Agricultural Loan ..	36,448	40,433	58,109 0	13,745	11,763 0 0	19,237 0	16,000	3,000	1,265	2,00,000 0 0
Gratuitous Relief ..	1,000	500	1,500 0	500	30 0 0	200 0	400	..	20	4,150 0 0
Test Relief ..	..	..	..	..	..	..	..	..	..	..

	Itna.	Nikli.	Astagram.	Bajitpur.	Karimganj.	Tarail.	Bhairab.	Kuliarchar.	Katiadi.	Total.
December, 1941.										
Agricultural Loan ..	..	18,000	1,237 0	14,915	..	15,763 0	..	..	85	50,000 0 0
Gratuitous Relief ..	200	180	2,000 0	100	100 0 0	100 0	..	..	20	2,700 0 0
Test Relief ..	..	300	1,890 0	500	..	..	..	..	..	2,690 0 0
January, 1942.										
Agricultural Loan ..	..	3,000	17,763 0	5,000	..	..	..	..	..	25,763 0 0
Gratuitous Relief ..	20	200	700 0	200	86 0 0	150 0	..	..	100	1,456 0 0
Test Relief ..	..	500	5,000 0	300	..	..	..	..	..	5,800 0 0
February, 1942.										
Agricultural Loan ..	20,000	15,000	30,000 0	30,000	2,000 0 0	3,000 0	..	..	..	1,00,000 0 0
Gratuitous Relief ..	100	400	2,000 0	600	50 0 0	50 0	..	..	20	3,220 0 0
Test Relief ..	25	200	3,437 15	1,500	..	..	..	..	..	5,162 15 0
March, 1942.										
Agricultural Loan ..	15,000	12,000	21,142 0	25,500	..	3,000 0	..	..	..	76,642 0 0
Gratuitous Relief ..	100	150	500 0	100	50 0 0	75 7	..	..	25	1,000 7 0
Test Relief ..	..	..	1,040 0	700	..	..	..	..	..	1,740 0 0

Total—	Rs. a. p.
Agricultural Loan	8,20,980 0 0
Gratuitous Relief	35,761 7 0
Test Relief	16,232 12 6

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (*h*), will the honourable Minister be pleased to state what the Government have done to reclaim the areas that have gone out of cultivation?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: That is not the question before us; but if the honourable member so desires, the information will be made available to him.

Cyclone in Midnapore.

55. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what according to information so far received by the Government has been the extent of damage to crops and properties caused by the recent cyclone on the 17th/18th October last in the Midnapore district, particularly in the subdivision of Contai including the Tamluk area, and also to state how many persons have been so far known to be killed or injured as a result thereof, and also the approximate number of cattle destroyed?

(*b*) What steps have been so far taken by the Government to allay the distress of the people there, and what do they propose to do for their relief in the near future?

The Hon'ble Mr. PRAMATHA NATH BANARJEE: (*a*) The cyclone caused great damage to crops and properties in Midnapore district, and particularly in Contai and Tamluk subdivisions. In these two subdivisions, according to the present estimate more than 10,000 persons have been killed and about 75 per cent. of the cattle have perished. In these subdivisions practically every *kutcha* house has been severely damaged or destroyed. The standing crops have also suffered badly specially in areas which were submerged by salt water which came up with the tidal bore. It is not however possible yet to make correct estimate of the damage as a whole.

(*b*) As soon as Government received information of the havoc caused by the cyclone steps were taken to rush food and water by steam launches from Calcutta to Contai and Tamluk subdivisions. Between the 22nd October, 1942, and the 30th October, 1942, 8,952 maunds of foodstuff including 7,300 maunds of rice and clothes, drinking water, etc., were sent by launches from Calcutta, for distribution to the cyclone-affected people as gratuitous relief. In the meantime immediate steps were taken to restore communication by road so as to make proper organisation of relief possible.

Apart from the above measures taken for giving immediate relief to the people of the affected areas, Government have appointed an Additional Commissioner to carry on a co-ordinated plan for relief in those areas. Government will take all necessary steps to meet the distress in the cyclone-affected areas.

I should like to add that since this question was put as a short-notice question by my honourable friend I had the privilege of making two statements before the House.

Dr. RADHA KUMUD MOOKERJI: Arising out of (*b*), will the Hon'ble Minister be pleased to state on what date Government actually moved for taking relief to the affected people? The earliest date mentioned is 22nd October whereas the cyclone occurred on the 16th October.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Dr. Mookerji was not present when I made two statements giving specific dates. But speaking from memory I may say that the cyclone did take place on two days, namely, 16th and 17th October, 1942, and we got the first information, I think, on the 21st October, 1942—I am speaking from memory.

Mr. LALIT CHANDRA DAS: It was on the 19th October.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Yes, it was on the 19th; I stand corrected.

Dr. RADHA KUMUD MOOKERJI: My question has not been properly answered. I wanted to know when Government made their first move on the subject?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: Immediately on receipt of the information.

Dr. RADHA KUMUD MOOKERJI: The information that has been given with reference to my question is that Government received report of the cyclone on the 19th. My question was when did the Government actually make a move in the matter?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I cannot give you the date today.

Mr. LALIT CHANDRA DAS: Arising out of (*a*), it is said that in the subdivisions of Tamluk and Contai more than 10,000 persons have been killed: will the Hon'ble Minister be pleased to state what is the present information of the Government as to the number killed in these two subdivisions? Can it be 30,000?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I have asked for a special report of the casualty and that special report will be placed tomorrow when the Additional Commissioner comes back from Midnapore.

Evacuation of Civil population.

56. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if there is any contemplation for compulsory evacuation of the civil population in Calcutta;

(*b*) if so, the probable date;

(*c*) if he will please lay on the table a schedule and ordinary programme proposed by the Government; and

(*d*) what sort of facilities will be given to the evacuees by way of transport?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: (*a*) No.

(*b*) Does not arise.

(*c*) Does not arise.

(*d*) Does not arise.

Rai Sahib JATINDRA MOHAN SEN: Is the Hon'ble Minister aware that some time ago the newspapers ventilated this question about the impending evacuation of the citizens of Calcutta?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am not aware of the ventilation in any paper of the compulsory evacuation of the civil population in Calcutta. So far as I am aware, the question was canvassed in the press as to whether non-essential people should voluntarily go out of the town. That position still remains since the war is still on.

Short-notice Question.

Mr. J. B. ROSS: Sir, this morning I tabled a short-notice question for reply by the Hon'ble Minister in charge of the Revenue Department. I do not see it on the agenda, but I understand that the Whip of the Party mentioned the matter to the Hon'ble Minister who is prepared to agree to the question being admitted. I would ask your permission to ask the question now.

The Hon'ble Mr. PRAMATHA NATH BANERJEE: I am prepared to answer the question now. It is a short-notice question and under the rules it requires the formal sanction of the Hon'ble Minister to put it. The file on the subject was put up to me only five minutes ago, but I am prepared to answer it.

Mr. J. B. ROSS: My question is this: (*a*) what is the total sum at present standing at credit of the Famine Relief Fund established under the

Bengal Famine Insurance Fund Act, 1937; (*b*) whether and to what extent expenditure is being incurred out of this fund for purposes of relief in the areas in the districts of Midnapore and 24-Parganas affected by the recent cyclone and tidal wave; (*c*) if not, what are the reasons for not using this fund for these purposes?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: (1) The amount standing at the credit of the Famine Insurance Relief Fund on the 31st March, 1940, was 15,08,717-2.

(2) This fund has not yet been drawn upon.

(3) The fund is an emergency reserve to be used when no money is available from the ordinary budget.

At present all expenditure is being met out of the current budget. Therefore it has not been found necessary to draw upon the fund.

Mr. J. B. ROSS: Will the Hon'ble Minister give us an assurance that the expenditure which is being met out of the public fund is not curtailed to suit the budget position and could not this money which is in this account be also utilised?

The Hon'ble Mr. PRAMATHA NATH BANERJEE: This is a question the answer to which belongs to the Finance Department. I can give no assurance of the character asked for by my honourable friend myself. But his suggestion will certainly be borne in mind.

Dr. RADHA KUMUD MOOKERJI: Sir, I ask for permission to put a short-notice question of which——

Mr. DEPUTY PRESIDENT: Order, order. Let me first ascertain whether Government will be pleased to answer a question on the floor of the House. When did you give notice of this question?

Dr. RADHA KUMUD MOOKERJI: About an hour before the sitting commenced today, and it belongs to the Home Department.

Mr. DEPUTY PRESIDENT: Is the Hon'ble the Home Minister prepared to answer the question?

The Hon'ble Mr. A. K. FAZLUL HUQ: Let him first put the question, Sir.

Mr. DEPUTY PRESIDENT: Dr. Mookerji, you may put your question.

Dr. RADHA KUMUD MOOKERJI: All right, Sir. Will the Hon'ble Minister in charge of the Home Department be pleased to state the precise authority which is responsible for the arrest of Mr. Kiran Shankar Roy, the Leader of the Bengal Congress Parliamentary Party?

Mr. DEPUTY PRESIDENT: Is the Hon'ble the Home Minister prepared to reply this question today?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir.

Dr. RADHA KUMUD MOOKERJI: May I know when I may get the reply?

The Hon'ble Mr. A. K. FAZLUL HUQ: Tomorrow.

Ruling on the point of order raised in connection with the adjournment motion regarding Kishoreganj firing.

Mr. DEPUTY PRESIDENT: I now proceed to give my ruling on the adjournment motion on the Kishoreganj firing incident.

On the 2nd November last Khan Bahadur Saiyed Muazzamuddin Hosain, Leader of the Opposition, sought to move for adjournment of the Council "to discuss a definite matter of urgent public importance, namely, the shooting by the police on a peaceful Muslim crowd within the premises of the Purana Thana mosque in Kishoreganj town in Mymensingh district on the night of the 19th October, 1942, at 11 p.m. resulting in 4 deaths and 10 persons injured." After I admitted the motion, the mover formally moved the same and when I was about to fix a time for discussion on it, the Hon'ble the Chief Minister, who is also the Home Minister, took objection on the ground that the matter had become *sub judice* and consequently no discussion could be allowed. I fully agree with the Hon'ble the mover of the motion that the issue raised in his motion is of urgent public importance which has caused a deep stir in the minds of the public and I also admit that on a serious matter like this the discussion should ordinarily be allowed in the discharge of my imperative duty to zealously guard the rights and privileges of the House; but I must at the same time confess to the limitations imposed on the Chair by the rules and procedure of the business.

The Hon'ble the Chief Minister in support of his objection referred to sub-clause (*c*) of rule 89 read with sub-clause (*v*) of rule 99 of the Bengal Legislative Council Procedure Rules which lays down in clear and unambiguous language: that no motion shall be admissible if it refers to any matter which is under adjudication by a court of law. Thus, it appears that the decision of the point raised by the Hon'ble the Chief Minister hinges on the determination of the fact if the motion for adjournment involves discussion of a matter *sub judice*.

In the course of his elaborate statement the Hon'ble the Chief Minister states (to quote in his own language) "My friend the Leader of the Opposition has said that he has got it from Mr. Israil that there is no police investigation, no case has been started, nothing of the matter and that the whole thing is a bluff in order to oust the jurisdiction of the

House. To that, I may say that my information is definite that this case has been started, police investigations have been completed and charge-sheets have been submitted, and the matter is not now in the hands of the police but it is now before a court of law. My information, Sir, is Government information. I claim that you will be pleased to accept that information as correct unless there is anything before you definitely to say that my information is wrong and I take the full responsibility when I say before the House that the matter is *sub judice* at the present moment." Thus, the Hon'ble the Chief Minister takes entire responsibility upon himself and affirms on the floor of the House in definite and unequivocal terms that the subject-matter of the motion forms the subject of a judicial proceeding now pending in the court of law, which contention has, however, been challenged. Under the same or similar circumstances there is a ruling of the Hon'ble the Speaker of the House of Commons noted in page 324 of the May's Parliamentary Practice to the effect that the "explicit statement of the Prime Minister must be accepted." This decision of the Speaker of the House of Commons lends fullest support to the view that in the absence of any proof to the contrary, the positive statement of the Hon'ble the Chief Minister has to be accepted as true: which amounts to this that this House has to accept the position that a judicial proceeding regarding the subject-matter of the motion of adjournment is pending. I feel my powers are limited and my discretion is fettered by the rules of business framed by this very House which has been referred to by the Hon'ble the Chief Minister, as stated before. Thus, in spite of my full sympathy with the mover of the motion, I feel that my hands are tied up.

Incidentally, I may refer to the Kulkati case which came up for discussion before the Bengal Legislative Council in 1927. In that case no objection whatsoever was taken on the ground of the matter being *sub judice*. But the motion was admitted and discussion allowed by the Hon'ble the President, although towards the conclusion of the debate on that motion the Hon'ble the Finance Member who represented the Government had to refer to the disability he had to encounter in giving a detailed account of the circumstances leading to the firing on account of the pendency of the judicial proceedings arising out of the action of a certain person.

The Hon'ble the Chief Minister has fully explained why he could not raise the objection at the very outset. There is a direct ruling, however, on this point given in the Central Assembly by the Hon'ble the President, Sir Abdur Rahim. On the 24th February, 1938, an adjournment was moved in the Central Assembly which was admitted by the Hon'ble the President and was fixed to be taken up on the next day when the Leader of the House (Sir N. N. Sircar) informed the President that the matter had become *sub judice* as a charge-sheet had been put up before the Magistrate. The President thereupon ruled that the matter being *sub judice* could not be discussed in the House. The present case is on all fours with the one just cited. Thus, it is obvious that the Hon'ble the Chief Minister is not out of order in raising his objection at a later stage.

The Opposition members have themselves admitted the jurisdiction of the House as completely shut out if the subject-matter of the motion is covered by the judicial proceedings; but the only point on which they express their doubt is whether the scope of the alleged judicial proceedings covers the same ground as the motion. In this connection, I again take the liberty of quoting from the statement of the Hon'ble the Chief Minister:

"Sir, I submit that the House is going to discuss the very points which would arise in the court as to whether a procession with music had ever passed by the route leading to the mosque; whether a settlement between the Hindus and Muslims were arrived at, what were the terms of the settlement; were there any variations from that, etc. I have already stated all the facts of the case before the House and now whether the firing has been justified, whether more force was used than necessary in self-defence—all these points will arise before the court. If one point which is common is brought under the discussion of the House, then, I submit, Sir, that one single point would shut the jurisdiction of the House".

The Hon'ble the Chief Minister's assurance, that the scope of the two issues is the same, is thus a complete and effectual answer to the point raised by the Opposition. It has been urged by the Opposition that I should call for papers regarding the alleged judicial proceedings for the purpose of verification of the statement of the Hon'ble the Chief Minister; but in the face of the ruling of the Hon'ble the Speaker of the House of Commons as referred to above and in the absence of any precedent for such a course either in the Central or in any Provincial Legislature, I not only consider that procedure as unwarranted but also believe that such a course will not serve any useful purpose, as the papers are not likely to reach me before the prorogation of the House. If, however, the Opposition are in a position to justify their doubts as to the accuracy of the information conveyed to this House, Legislative Rules are wide enough for the redress of their grievances.

Under the above circumstances I feel sure that none in this House would desire me to trespass upon the domain of the law court which is expected very soon to make its pronouncement on the very same issue as has been raised before this House. I, therefore, feel constrained to disallow the discussion of the motion for adjournment.

Adjournment Motions.

Khan Sahib ABUL QUASEM: I have got one motion in my name.

Mr. DEPUTY PRESIDENT: I am coming to that. There is a motion which has been tabled by Khan Sahib Abul Quasem asking "the House to adjourn its business to discuss a definite matter of urgent public importance, namely, the arbitrary conduct of the District Magistrate of Mymensingh in sending out telegraphic orders to Subdivisional Officer to pass

procession with music by the side of the Puran Thana mosque at Kishoreganj on the night of 19th October without giving the Muslim community a hearing and without considering the documentary evidence showing the terms of amicable settlement of the preceding year."

But I think this motion covers the same ground as the other adjournment motion which has just been disposed of.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not at all, Sir. It is quite separate.

Mr. DEPUTY PRESIDENT: But if you cannot refer to the consequences of the order of the District Magistrate it will not serve any purpose and it will be of no use to discuss the matter. However I should like to hear you Khan Sahib and then I shall decide.

Khan Sahib ABUL QUASEM: Here, Sir, in this adjournment motion I want to raise a discussion of a matter which is not and cannot be *sub judice*. It relates to the conduct of the District Magistrate in passing orders by telegraph to the Subdivisional Officer to allow the procession to pass with music without giving the Muslim community a hearing which they had asked for. They had, through their two representatives, the two local Muslim M.L.A.'s, sent a wire to the District Magistrate referring particularly to the previous year's amicable settlement between the Muslims on the one side and the person who was seeking permission to allow the procession to pass with music this year. But without any reply being sent to the wire and rather ignoring it, the District Magistrate telegraphed to the Subdivisional Officer saying that his previous orders should be complied with. Now, Sir, the District Magistrate is not going to be tried by a court of law, but those only who were alleged to have taken part in the alleged unlawful assembly; and I am giving you a definite undertaking that I am not going to traverse any ground which will prejudice the cases which may be before the court. I want this House to consider simply the conduct of the District Magistrate in not giving a hearing to the Muslim community and not considering the documentary evidence showing the terms of the amicable settlement of the preceding year between the two parties. He passed orders asking the Subdivisional Officer to carry out his previous orders. So, I submit, Sir, that it will not cover the same ground of the cases which are said to have been instituted.

The Hon'ble Mr. A. K. FAZLUL HUQ: Under rule 97 a motion for adjournment of the business of the Council may be moved for the purpose of discussing a definite matter of urgent public importance. Three conditions have got to be satisfied—it must be a definite matter: it must be a matter of public importance: and it must be a matter of urgency. Assuming that it is a definite matter, namely, the conduct, as it is put down "arbitrary conduct of the District Magistrate of Mymensingh",—a definite matter and of public importance. But I submit, Sir, that there

is no urgency. It comes to the discussion of the conduct of a public servant under certain circumstances. As I have already stated in course of the history of the incident I gave to the House the other day, the District Magistrate passed certain orders under certain circumstances. It is evident that the District Magistrate's orders superseding the order of the Subdivisional Officer will also be discussed in the case. I submit, Sir, that after these cases are over, Government will have to consider whether the District Magistrate's actions were justified or whether it was improper or even arbitrary. There is nothing in the statement which I made and nothing, I submit, Sir, can be in the possession of any honourable member of the House which will show *prima facie* that the conduct of the District Magistrate was unjustified. I submit that the discussion at this stage would prejudice the officer himself and would also prejudice the enquiries now before the court. I may also point out with utmost respect to the esteemed mover of the motion that motions like these tabled by an honourable member of the Opposition can never be expected to be discussed with smoothness and without some amount of bitterness. These motions are meant to criticise the actions of Government and no amount of guarantee can be given by the mover to protect the officer from unjustified remarks, statements or accusations at the time of the discussion of this motion. Neither can the officer defend himself by answering those charges here. What the District Magistrate has done has been done and it will be for the Government in the first instance to decide what to do with that officer, after enquiries are made into his conduct. Before all these are done, I submit, it would be unfair and prejudicial to allow a discussion at this stage.

Khan Sahib ABUL QUASEM: Sir, I shall first deal with the question whether it has any urgency. Next whether it is a definite matter of public importance. You will remember, Sir, on that last occasion when it first came up for discussion, you were pleased to waive the question of urgency but perhaps the Hon'ble the Chief Minister is not aware of this fact. Now he has dragged in the question of *sub judice* in order to prevent the discussion of a definite and urgent matter of public importance. We in the Opposition are fully aware of the fact as anybody else that *sub judice* matter should not be discussed, because that will prejudice the fair trial of the case in a court of law. We do not want that. The Hon'ble the Chief Minister has said that *sub judice* matter may incidentally be taken up. That will not do. You, Sir, must be satisfied whether the facts we have mentioned are going to be investigated thoroughly in the law court. It is a question which has agitated, Sir, I should say, at least one section of the House and Muslim feeling throughout the province has been deeply stirred and the Hon'ble the Chief Minister wants, for reasons, not clear and adequate, to shut out the discussion of this motion. We are in the Opposition and we have a duty by the Muslim public. I submit again that the discussion would not prejudice the subject-matter of the trial. Particularly, the adjournment motion standing in my name has nothing to do with the case to be investigated by the court of law. It is a different matter altogether. The Hon'ble the Chief Minister has refrained from

saying anything as to the section under which people have been charged and whether actually matters covered by the case are likely to come under discussion. He has beautifully left it entirely vague. He simply wants to shut out discussion. Sir, I humbly and respectfully submit that the Chair is the guardian of the rights and privileges of the House. This is the only forum in which we can discuss this matter. It has been said that it affects the conduct of a public officer. That, under the rules, cannot be an objection. We will not say things which have no relation to the public conduct of an officer as such. So far as the conduct of the officer is concerned, the Chief Minister has himself referred to this matter in his statement. We want an elucidation which Government ought to be in a position to vouchsafe to the House and by shutting out the discussion, Government is going to draw, most unreasonably though, a veil over a matter which the House has a right to have cleared up. Sir, it is improper and unconvincing,—the way in which discussion on this subject is going to be shut. I protest.

Mr. HAMIDUL HUQ CHOWDHURY: The Chief Minister has not raised objection on the ground of *sub judice*.

Mr. DEPUTY PRESIDENT: Yes, that is the objection which he raised.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the Chief Minister said that the Government is the proper authority to punish an officer. We know how they have punished this officer—by promoting him to the Secretariat—and giving him an increment of Rs. 500.

Mr. DEPUTY PRESIDENT: That has no bearing on the present adjournment motion.

Mr. HAMIDUL HUQ CHOWDHURY: This is the manner in which they are going to punish the officer. I certainly object to the manner in which Government is trying to shut out discussion.

Mr. DEPUTY PRESIDENT: Have you got anything to say on the question of admissibility?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, prejudicing the prospect of an officer is a ground on which the Chief Minister wants to shut out the discussion. There cannot be any ground whatsoever, even if it affects the prospect of an officer. Rule 89 of our rules *inter alia* says: "it shall not contain argument, inferences or ironical expressions, nor shall it refer to the conduct or character of persons except in their official or public capacity".

That cannot be any bar to our discussing this matter. In any resolution you can discuss the official conduct of public servants. The Chief

Minister, in raising the objection, stated that he will be dealt with by Government and as such the Council had not the right to discuss the conduct of the officer concerned. I submit, Sir, the motion should not be ruled out of order. As regards urgency, you have decided in our favour. The other two grounds that should come in for consideration are that the matter should be definite and of public importance. The Hon'ble the Chief Minister has admitted that it is definite and important, and the other ground, namely, that of urgency, has been accepted by you, Sir. Therefore, there is no other ground on which the adjournment motion can be disallowed. The only ground on which the Chief Minister's objection was based was that criticism of an officer of Government in his absence might affect his "prospects". But, as I have pointed out before, the Chief Minister has anticipated this by giving the officer in question promotion to the Secretariat. Therefore, so far as that point is concerned, I must say that even if the subject relates to the prospects of an officer, the House cannot be debarred from raising a discussion on that matter. In this connection, may I cite a precedent? It is the well-known incident at Kulkati in which case also a member of the Indian Civil Service was involved, and an adjournment motion in respect of which was allowed by the President of the old Legislative Council with the remark that this matter must be considered in all its aspects. That decision was rightly given and even at that time when a bureaucratic and irresponsible Government was ruling Bengal, the Government did not stand in the way of the discussion of that motion, involving as it did discussion of the conduct of one of their senior I.C.S. officers. They had the good sense not to shut out a discussion of that matter——

Mr. DEPUTY PRESIDENT: Order, order. At the very outset, I should like to say that if I could admit the motion otherwise, I would not have raised the ground of urgency. Apart from the grounds put forward by the Hon'ble the Chief Minister in support of his objection, there are other points which are crowding into my mind in consideration of which I think that I cannot admit the motion. I have already told the House that this motion practically covers the same ground——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, before you give your ruling, may I know your points so that I may answer them?

Mr. DEPUTY PRESIDENT: Order, order.....that this motion practically covers the same ground, although it has been worded in different language. In fact, the conduct of an individual officer cannot be held to raise issues of grave public interest unless the consequences resulting from the same are taken into consideration. The moment we take up the consideration of the action of an individual officer, we apply our mind to the consequences of the acts attributed to him and the subject-matter of discussion of this motion reduces itself to the same issue. Then, I would also like to refer to a ruling given by the Hon'ble President of the Central Legislative Assembly, Sir Abdur Rahim. In a similar case

the President ruled as followed. I am reading from a portion of his ruling—"It is a well-established parliamentary rule that an order passed in the ordinary administration of law, whether by a judicial authority, or a Magistrate or by any other lawful-constituted authority, cannot be the subject of an adjournment motion..... If there is any grievance with respect to an order like that, the remedy must be sought under the law under which the order is passed or in a court of justice, if there is any such remedy. Even if there is no such remedy, that cannot be a ground for moving a motion for an adjournment of the business of the Assembly".

So, following that ruling I rule the motion out of order.

There is another adjournment motion in the name of Mr. Mesbahuddin Ahmed.

Mr. MESBAHUDDIN AHMED: What is the use of moving it? I will not move it.

Mr. DEPUTY PRESIDENT: That is your look-out. I have received notice of another motion for adjournment of the House from Mr. Nur Ahmed which seeks to discuss a definite matter of urgent public importance, namely, the political and constitutional issues which have led to the resignation of Hon'ble Finance Minister, Dr. Syamaprasad Mookerjee, from the Council of Ministers.

Mr. NUR AHMED: Sir, we have learnt from the newspapers that Dr. Syamaprasad Mookerjee has resigned. We are all in the dark as to the reason why he has resigned and under what issue he has resigned.

Mr. DEPUTY PRESIDENT: It cannot be the subject of an adjournment motion. It is a constitutional issue and the Provincial Government is not responsible for the resignation of Dr. Mookerjee. Consequently, I rule it out of order.

I have got notice of another adjournment motion from the same honourable member. Here he wants to discuss a definite matter of urgent public importance, namely, the inadequacy of measures taken by Government of Bengal to check outbreak of cholera in acute form in the districts of Pabna, Faridpur, Bogra, Mymensingh, Chittagong and Serajganj and other places in Bengal.

Mr. NUR AHMED: As regards this motion, if a statement is made by the Hon'ble Minister in charge showing what steps have been taken to check the outbreak of cholera in these places, I will be satisfied with the statement.

The Hon'ble Mr. SANTOSH KUMAR BASU: I have got intimation of this motion too late. It is impossible for me to make a statement today. But I am prepared to make a statement tomorrow.

Mr. NUR AHMED: All right, I accept it.

Statement by the Hon'ble Leader of the House regarding alleged police excesses in the Balurghat subdivision.

Rai Sahib JATINDRA MOHAN SEN: Sir, the Leader of the House promised to make a statement with regard to the Balurghat incidents. You remember, Sir, that my motion was an adjournment motion and in that motion I indicated three points on which I desired to raise discussion. You, Sir, at that time gave your ruling that in view of a precedent of the late President, an adjournment motion from a member who is supporting the Government, was not desirable. On the other hand, he should move for papers to be produced before the House. I said then that I would be satisfied if a statement were made with regard to those three points. I am informed by the Hon'ble Leader of the House that he is in a position to make that statement today.

Mr. DEPUTY PRESIDENT: You want to mention the points on which he will reply?

Rai Sahib JATINDRA MOHAN SEN: Yes, Sir. With your permission I may mention the points which have arisen out of the incident which took place at Balurghat. On the morning of the 14th September last a mob consisting of about 7 or 8 thousand people entered the Balurghat town by crossing the ferry over the Atrai river at Dangighat, 2½ miles from the town. Most of them carried gunny bags and *behukas* (bamboo carriers) and first went to the Subdivisional Officer at his bangalow and asked for paddy as they were going without food. The Subdivisional Officer told them that he had written to the Government and when help would arrive it would be distributed to them. They then went away from there and looted the several thousand maunds of paddy stocked in the Parsadanga cutchery premises. While the looting was going on a portion of the mob attacked the co-operative society building, the two civil court buildings and broke the doors open and set fire to them. The Sub-Registrar's office which was located in a tin house with partially brick and mat walls was also set fire to and completely destroyed. The records of the civil courts were mostly destroyed. No resistance was offered by the police and no arrests were made then and there. The mob then left the town by the road by which they came after about 3 hours—at about 11 a.m. The river Atrai was then in full flood and it took about 4 hours for the mob to cross over in two ferry boats. By that time the District Magistrate and the Superintendent of Police who were apprised of the invasion in the town by the Subdivisional Officer——

Mr. DEPUTY PRESIDENT: Order, order. I am very sorry to have to interrupt the honourable member. Instead of putting questions to the Hon'ble the Leader of the House it seems you are making a statement. Please state on what points you want answers.

Rai Sahib JATINDRA MOHAN SEN: All right, Sir. There was a raid by a mob of 7,000 to 8,000 people. Now, after that the police appeared on the spot and they began to search for the raiders. In course of the searches in those villages, viz., Moradanga, Sitaldanga in Porsha police-station, Bonail and Noapara in Tapan police-station, etc., which were about 15 to 16 miles from the town of Balurghat, the police went to the houses of Scheduled Castes, Santhals, Uraons and they committed devastations in those houses and the District Magistrate and in some cases the Superintendent of Police were camping nearby and no action was taken by them. They destroyed paddy, rice, pulses, etc., etc.

At Moradanga a Muslim mob numbering about 200 or so under the leadership of Nasiruddin Sarkar of village Khanjanpur looted the houses of the Scheduled Caste inhabitants, Uraons and Santhals for 7 consecutive days carrying away articles worth several thousand rupees. They looted nearly 4,000 maunds rice, other food crops and took away corrugated iron sheets and so on and so forth. And all these were done for 7 or 8 consecutive days though the District Magistrate and the Superintendent of Police were camping nearby at Sapahar Bungalow, three miles away from the places of occurrence.

Khan Bahadur ATAUR RAHMAN: Is the honourable member speaking in support of his motion or what?

Mr. LALIT CHANDRA DAS: He is asking for information with regard to some points.

Rai Sahib JATINDRA MOHAN SEN: The last point on which I want answer from the Hon'ble the Leader of the House is the reason of shooting down to death of 3 Scheduled Caste Hindus and 1 Uraon and wounding several others in village Parlarhat by armed police by the orders of the Circle Inspector of Tapan police-station—all these incidents having taken place in the last week of September, 1942.

I want to know the circumstances under which the shooting was done and why?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Sir, I have got a report from which it appears that the Assistant Sub-Inspector of Police and three constables armed with two muskets and 20 rounds of ammunition reached the house of Fulchand Mandal at 4-00 hours in the morning. On being arrested Fulchand raised a hue and cry as a result of which a large number of Sonthals, Rajbanshis and Uraons, armed with bows, arrows and *lathis* are said to have surrounded the small party and snatched away their muskets. Later the police officers were all beaten and a conference was held from that time till 14-00 hours to decide what should be done to the officers. At one time there appears to have been a proposal to burn them with kerosene and at another time to chop them to bits. Almost all the money carried was robbed and the policemen were assaulted. Finally better sense seems to have

prevailed and they were let off at about 2 p.m. They were forced to declare that they would give up their service under Government. At 9 a.m. on the 24th instant news was received that the Circle Inspector, Tapan, had opened fire on a fairly large crowd; the Superintendent of Police hurried to Parila village where the occurrence was said to be taking place. On arrival he found that the Inspector and his party had returned to Tapan police-station. They held an enquiry into the matter. What apparently happened is that the Circle Inspector was also rushing to rescue the Assistant Sub-Inspector and his men but heard that they were safe. He halted for a time in the house of Maulvi Jamir Ali, a local *jotedar*. A crowd of about 300 or 400 gathered led by some Congress volunteers. The crowd challenged the police to come out and fight and threatened Jamir Ali that his house would be burnt if he allowed the police to continue there. On coming out, the Inspector found that the attitude of the mob was violent. They were incited by one Bhiren who is rate collector of the local Union Board. The Inspector asked them to disperse and warned them that he would open fire. The crowd refused to disperse but on the contrary shot some arrows at the police party. About a hundred arrows were let off and the Inspector in self-defence ordered the opening of fire. Seventy-six rounds were used and it is understood that five persons have been injured, three of them fatally. Small number of casualties is due to the fact that the mob enjoyed the advantage of cover behind some trees, hopping out now and again to shoot arrows.

On the 25th a police party marched through various villages and they were received with acclamation by the Muslim inhabitants. Sonthals and Rajbanshis were naturally nowhere to be found. Searches for stolen arms and ammunition and for persons were continued.

On the 26th instant the Commissioner of Rajshahi and Deputy Inspector-General of Police came over to Sapahar and discussed the local situation. A detachment of the Eastern Frontier Rifles very kindly sent by the Inspector-General of Police also reported to them that day.

It may be mentioned that the Sonthals, the Rajbanshis and Uraons around Saphar have been incited by Congressmen to commit such lawless activities. They were assured that the police would never open fire and that muskets were only meant as a show to frighten people. There have been many cases of paddy looting in this area and many Sonthals and others from this part went to Balurghat on the 14th instant when various Government buildings were damaged by a hooligan crowd. The plague spot consists of three villages and close attention will be paid to them. The Deputy Superintendent of Police is being placed in charge of the small force stationed in Sapahar to complete investigation and to effect arrest of absconders. It was urged that distress was responsible for the Sonthals being induced into the mass movement. This contention does not appear to have much substance in it. They were decoyed into the campaign by promise of free paddy but simple minded as they are they have been misled by the Shibboleths of the Congress. Thus, for example, the crowd attacking the Inspector shouted "Bande Mataram", asked the police to give up their jobs and expressed anti-British sentiments and declared that India was free. The Assistant

Sub-Inspector and his men also testified to the effect that quite a lot was said about independence and that "Bande Mataram" was a frequent shout. But the situation is now under control. It was practically engineered by the Sonthals against the Government but the situation appears now to be under control and though it would be rash to prophesy that future disturbances will not take place it is thought that recurrence of such lawless activities is not very likely. The speedy arrival of the police had a re-assuring effect upon the population and the Muslims stayed back in the villages by which they passed. It is also to be mentioned that the Muslim inhabitants rendered valuable help by giving useful information. As a matter of fact regarding the complaints made by the honourable member, the facts reveal nothing of that sort—that there was molestation by the police or any kind of depredation committed under their inspiration. This is all that has happened, Sir, and if the honourable member desires to have further information I can send him on his asking for it.

Rai Sahib JATINDRA MOHAN SEN: May I ask a few questions? May I take it that the statement just made by the Hon'ble the Leader of the House is a report submitted by the Distirct Magistrate himself?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Yes, the report has come through the District Magistrate.

Rai Sahib JATINDRA MOHAN SEN: My question is whether the report is the report of the District Magistrate himself.

The Hon'ble Khan Bahadur M. ABDUL KARIM: All reports are received by Government through the District Magistrate. Therefore I can say that the District Magistrate has himself submitted this report to Government.

Rai Sahib JATINDRA MOHAN SEN: Is the Hon'ble Minister in a position to say if the District Magistrate got any report from his subordinate, I mean the Subdivisional Officer, or any other subordinate officer?

The Hon'ble Khan Bahadur M. ABDUL KARIM: He must have; but I cannot be definite. He must have information from the Subdivisional Officer, Police and other officers.

Rai Sahib JATINDRA MOHAN SEN: The Hon'ble Minister has said that the house of Fulchand has been visited by the Assistant Sub-Inspector of Police for the purpose of searching his house and arresting him. Will he kindly say at what time the police went to his house?

The Hon'ble Khan Bahadur M. ABDUL KARIM: I am waiting for further information from the local officers.

Rai Sahib JATINDRA MOHAN SEN: Will he kindly enquire whether the police went there at dead of night at 1 o'clock?

The Hon'ble Khan Bahadur M. ABDUL KARIM: I shall make a statement on getting further information on these points.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state what were exactly the circumstances which led the police in firing 75 rounds of ammunition——

Mr. DEPUTY PRESIDENT: What about the replies: the Hon'ble Leader of the House has said that he is awaiting further information. In that case, do you expect the reply this session?

Rai Sahib JATINDRA MOHAN SEN: If it is not possible to get the information this session, then necessarily we shall have to wait till the next session.

Mr. DEPUTY PRESIDENT: That will be better.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state if it is not a fact that the military which was posted at the instance of the Inspector-General of Police was immediately withdrawn by the Divisional Commissioner?

The Hon'ble Khan Bahadur M. ABDUL KARIM: I have no information on the point in my possession now.

Rai Sahib JATINDRA MOHAN SEN: Is the Hon'ble Minister aware that the Rajbanshis, Santhals and Uraons are docile people?

Mr. DEPUTY PRESIDENT: That is only a matter of opinion.

Rai Sahib JATINDRA MOHAN SEN: The Hon'ble Minister has himself said that.

Mr. DEPUTY PRESIDENT: If he has said that, what is the use of asking it again.

Rai Sahib JATINDRA MOHAN SEN: The Hon'ble Leader of the House has said that they have been misled by the Congress people.

Mr. DEPUTY PRESIDENT: I think I should draw the attention of the honourable members that this is not a place for cross-examination: it is not a Court. If you want to put any question for the purpose of eliciting any information you may do it; but you need not do it in a spirit of cross-examination.

Rai Sahib JATINDRA MOHAN SEN: Why do you say that these Rajbanshis and others are innocent people but they were misled or misguided by the local Congress leaders.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I did not say innocent: I said simple people.

Rai Sahib JATINDRA MOHAN SEN: What is the basis of the Hon'ble Minister's information that they were misguided by the Congress?

Mr. LALIT CHANDRA DAS: On a matter of information. Can the Hon'ble Minister place any material before the House to justify the truth of the report that they were misguided by the Congress?

The Hon'ble Khan Bahadur M. ABDUL KARIM: Nothing beyond what is stated in the report itself.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. DEPUTY PRESIDENT: The House will now resume further consideration of the Bengal (Rural) Primary Education (Amendment) Bill, 1942.

The Hon'ble Khan Bahadur M. ABDUL KARIM: I beg to move that the Bengal (Rural) Primary Education (Amendment) Bill, 1942, as settled in the Council, be passed.

Sir, the original Act was passed in 1930. Since then experience has shown that there were certain defects which had to be remedied and the immediate cause of the proposal to amend this Act was that on account of the abolition of the local boards those vacancies would have to be filled up and the present Bill provides for that: these vacancies will be filled by the union board members as they do under the present Act, that is to say, power of election of members would be exercised by the union boards of the respective local board areas. The second matter of importance is that experience has painfully shown that in most of the districts the Scheduled Castes community—the most important community,—did not find favour with the people of the districts and they could not secure their election.

To remove these inequities of election, Government have incorporated one provision in this Bill that at least two of the seats should be reserved for the Scheduled Castes and they will be appointed by the Local Government. Another important provision made in this Bill is this: that formerly there was no provision for representation of women on the Central Committee. We have now increased the number from 5 to 7, two to be reserved for women. That is to say, two for Scheduled Castes in the District Committee and two for women in the Central Committee. Then, there was absolutely no provision in the Act itself for the appointment of the office-bearers of the Central Committee and we have provided that the Director of Public Instruction who will be an ordinary member of the Provincial Committee will also be the *ex-officio* Chairman of the Central Committee and another should be the Secretary appointed by Government. These are the important changes made about the constitution of the Boards, and the other

provisions will appear from the Bill itself which I hope the honourable members have fully in their recollection. The present position is this that Government have now in their own hand only five nominations. Larger nominations were provided for in the Bill that originally appeared before the Assembly but on account of the agreement with all parties, and especially with the Opposition, we decided to reduce the number of nominations. At present Government have got only 5 nominations in their hand and these nominations have been kept only to distribute patronage to communities which we have not been able to get up till now, to the other minority communities which have got more special claim and what the Government propose to do now is that proper representation for those special communities which stand in need of patronage or stand badly in need of it for them seats will have to be curved out of these 5 nominations.

Take for instance the Planters' Association. They want certain seats, but we have not made any provision for them specifically here. But we are going to provide them with seats out of those 5 which the Government have got in their own hands now. So the Buddhist community may come up to us and other influential minorities may come up to us. Therefore we have got only 5 nominations left in our hands out of which we can satisfy the demands of various other communities. So far as the Scheduled Caste is concerned, we have exclusively reserved two seats for them, having regard to the great injustice that have been done to them in the past and having regard also to the stake they have in the country and in education.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why not by election?

The Hon'ble Khan Bahadur M. ABDUL KARIM: About that I will give my reply in the end.

These are the important changes made in this amending Bill. At the same time I may inform the House that this is not all. These amendments have been made as a stop-gap. I contemplate bringing a very comprehensive Primary Education Bill, if possible, by the next budget time. These are only stop-gap measures.

Mr. DEPUTY PRESIDENT: The motion before the House is: that the Bengal (Rural) Primary Education (Amendment) Bill, 1942, as settled in the Council, be passed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, I rise to oppose the passage of this Bill. Sir, we have consistently opposed this Bill at every stage from its very inception because its provision offend against the rudimentary principles of democracy. The Bill contains only eight clauses and apparently seems to be a harmless and innocent Bill. To a superficial peruser, it would appear that the ministry were actuated by feelings of chivalry and benevolence in sponsoring the Bill, as it provides for women representation in the Central Committee and

Scheduled Castes representation in the District School Boards for which there is no provision in the present Act. But, Sir, on a closer examination of the clauses, the Bill is found to be an anti-democratic, ratrograde and reactionary measures of worst type. Sir, we in this side of the House, have full sympathy for women and Scheduled Caste representation, but what we object to is the mischievous manner in which this representation is sought to be given by the Bill. The representation is proposed to be given by nominations. To increase the number of nominated members in an elected body in this democratic age is a retrograde policy, which the much abused bureaucratic Government of olden days, would have felt ashamed to support. As a matter of fact, Sir, the bureaucratic Government of olden days were moving with the times though slowly and they were gradually reducing the proportion of nominated seats in elective bodies. According to the Local Self-Government Act amended before the reforms, the new District Boards constituted an abolition of Local Boards will have 25 per cent. of nominated seats in place of 33 per cent. in the old Boards. But our Progressive Ministry is determined to show progress in this matter of increasing the proportion of nominated seats.

Sir, we are strongly in favour of women and Scheduled Caste representation and tabled scores of amendment, showing how the representation could be given without increasing the number of nominated members. We had also suggested that a few of the existing nominated seats could be earmarked for women and Scheduled Caste people. We had also suggested that representation could be given to women and Scheduled Castes on election basis and had tabled amendments indicating how election could be run without much trouble or inconvenience. It is strange that the progressive supporters would still support it.

We had suggested that the women constituencies of the cities of Calcutta and Dacca of the Provincial Legislature could elect the women representatives of the Central Committee. We had also suggested that the Scheduled Caste members of the Provincial Legislature could elect the two Scheduled Caste members to the District School Board. No honest man could oppose such amendments if his object was really to give representatives to women and Scheduled Caste people; but our worthy Minister's real object was something different. It was evidently to strengthen their control over District School Boards, and over the Central Committee that they are increasing the number of nominations. Then, Sir, there is another retrograde provision in the Bill which no man with any democratic feeling or leaning can support. Our worthy Minister is bent upon imposing on the Central Committee a permanent Government official—viz., the Director of Public Instruction, as Chairman—not for a limited period as in the case of the District School Boards, but permanently, for ever. Sir, it takes our breath away to hear of an official Chairman on an elective body in this year of Grace 1942, by a party Ministry which has styled itself as "progressive". Be it said to the credit of the much-abused Government of the pre-reform days, however, that they gradually non-officialised our public bodies like the municipalities and district boards, but our worthy Progressive Ministry

thinks that unless the Central Committee is presided over by an official, then the entire primary education of the country would go to the dogs and so they must have an official Chairman and that, too, not for 5, 10 or 15 years, but for all time to come!

Sir, I can understand that the Muslim members of the Progressive Party, except Mr. Humayun Kabir, supporting this apparently retrograde and reactionary provision in this Bill because they are blind supporters of Government and do not care to trouble their heads over policies and principles. I can also understand the attitude of the European Group supporting this measure, because as a matter of policy they will support all that the Ministry in power chose to do, provided they do not affect their interests. Sir, I am not a bit surprised to find the Congress Party, the Bose Group, and the Progressive Party under the leadership of my friend the Raja Bahadur of Nashipur supporting the reactionary provisions of the Bill. The Hindus, as a motion—particularly the Congress, and Mr. Humayun Kabir have been loud in their indictment of the pernicious system of nomination, but in this Bill they are suporting the extended application of the nomination system in spite of our pointedly drawing their attention to the fact that the object of giving representation to women and Scheduled Castes people could be easily achieved without recourse to increasing the number of nominated members. The Congress Party and the Raja Bahadur's Progressive Party are also supporting the officialisation of the Central Committee, though they profess to be the champions of Liberty and Independence. The Progressive Party and its supporters are enacting such antidemocratic and retrograde measures, that even the worst of bureaucrats would shuddered to think of introducing such measures in this advanced democratic age. God save us from our friends of the Progressive Party who are forcing the country into the path of "retrograde" progress! The very people who are loud in their demand of Purna Swaraj, Independence and Freedom now prove by their action that they cannot entrust even the administration of primary education into the hands of the elected representatives of their own people. Evidently their professions are different from their convictions! Sir, democracy is a nonsense in a country where the people are not inspired with democratic ideals and principles. We expected the Hindu community who are so much advanced in education to set an example of this ideal by their steadfast adhereance to these ideals and principles. But, Sir, we are sadly disappointed that their association with the Ministry in power has made them forget their pet ideals and principles. If mere association with power changes our so-called democrats to bureaucrats and autocrats, what sort of democracy can we then expect to be conferred upon us by an alien Government? Certain, it can be only of the type of Fascism of Herr Hitler. Sir, it is our own men who by such action have brought discredit on India. If this be our national character, then why should we not be branded as unfit for independence by the vested interests? Let the country take note of the conduct of these gentlemen in the Legislature who are bringing discredit on its people and are trampling under foot its fondest ideals.

Sir, in conclusion, I cannot help mentioning one fact. Newspapers and journals play a great part in creating and guiding public opinion but it is much to be deplored that although in connection with this Bill we have been putting up a tough fight for the sake of principles and ideals, the nationalist Press in Calcutta has kept silent and has not spoken a single word with regard to the principles of the amendments for which we have fought here; on the contrary, they have applauded the party in power by merely mentioning that "all the amendments were lost". It was the duty of the Press, if it was to serve the country with any credit, to criticise the reactionary provisions of this Bill which a so-called Progressive Party were supporting.

In democratic countries criticism of parties in Opposition are given the widest publicity, because they expose the weak points of the party in power. The Opposition in that way serves the country. The Opposition is always in the minority and can only by healthy criticism, help to keep the Party in power in the right path. Unless newspapers publish these healthy criticisms, the country is not benefited by the Opposition which is a necessary adjunct in all democratic forms of Government. Our journalists should therefore rise above party politics. If our Press had been vigilant and had published the criticisms of the Opposition regarding the reactionary provisions of this Bill, the Bill which the Council is going to pass today would have taken quite a different shape. With these observations, I, on behalf of my party, record an emphatic protest against the reactionary provisions of the Bill which is going to disfigure the statute book of the province.

Mr. NUR AHMED: I am sorry to say that I have to rise to oppose the final passage of this Bill; more so, because it has been piloted by no less a pesron than the Hon'ble Leader of the House for whose judgment I have the highest opinion. The Bill which looks like a very simple one dealing with a very few clauses is of vital importance to the people of Bengal. In this Bill, Government propose to do away with the principle of election. It is also doing away with another vital principle, namely, the principle of having a non-official Chairman. In this Bill, Government is providing for an official Chairman. It is a very pernicious and reactionary principle to have an official Chairman for all time to come.

Then, Sir, this Bill may be divided into two parts: one part deals with the constitution of the Central Primary Committee and another part deals with the constitution of the District School Boards. With regard to the first, namely, the constitution of the Central Committee, I would like to point out that this Committee will have great powers to regulate the development of primary education in this province. If the Government proposals become law and they are placed on the statute book, it would be a matter of great shame to the people of Bengal who are known all over the country to be the most advanced people. That great son of India, Mr. Gokhale used to say—"what Bengal thinks today, other parts of India think tomorrow." That statement was a matter of pride for Bengal at one time and now by the action of the present so-called Progressive Government we are showing to the other provinces that Bengal has fallen on evil days.

We are going backward. We are not progressing as it was the case at one time. If this Bill is passed it will produce a set-back on the advancement of Bengal. It is all the more regrettable that this Bill with so many retrograde features is going to be placed permanently on the statute book.

Sir, the Central Committee as constituted under section 4 of this Bill, will consist of—

(*a*) the Director of Public Instruction, Bengal, Chairman (*ex-officio*);

(*b*) ten members of whom two shall be elected in the prescribed manner from each of the five divisions of the province by the members of the District School Boards of each division, one to be a Muhammadan and the other a Hindu;

(*c*) five members to be appointed by the Provincial Government of whom two shall be representatives of the Depressed Classes.....and so on and so forth.

Sir, that shows how the constitution of this Committee is going to affect the very principle of democracy. The Hon'ble Leader of the Opposition has, in his peroration, very lucidly dealt with the aims and objects of the Bill. If the Central Committee is to be formed as proposed in this Bill, then the money that will be spent in giving effect to its provisions will be a huge waste and will bring no benefit either to the Government or to the people. And why? Because there will be an official Chairman, *ex-officio* Chairman, who will guide the deliberations of the Central Committee. And what is the purpose of this Committee? The purpose of the Committee is to give advice in certain vital matters relating to the spread of primary education in Bengal. We may have an idea of the duty of the Committee as laid down in section 5 of the Act of 1930. It is that the Provincial Government may refer any matter to this Committee for its opinion, and shall consult the Committee before making an order. Not only that. This Committee will also consider the propriety or impropriety of the actions regarding the District School Boards in the matter of spreading free and compulsory primary education—whether any school board is to be superseded or not. As one of the principal officers of the Education Department, the Director of Public Instruction, will make recommendations and as Chairman of the Committee he will get them passed. From our long experience, we have seen that nominated members do not go against the policy of the Government. So, the nominated members of the Committee will cry ditto to any suggestion that may emanate from their official Chairman. These nominated members will always think that unless they carry out the wishes of the Government, they will have no future prospect.

Judging from this point of view, it is quite evident that the nominated members will feel bound to respect the opinion of the official Chairman. There will remain 10 elected members and it will not be difficult to win over one or two of the members. It would be a very easy task of the official Chairman to get formally passed anything he sets his heart upon through this Committee. Sir, that would be the result of the proposed constitution of the Committee. Of what use will this Committee be to primary education? It will have no independence of its judgment. It will not be able to

formulate any new proposal. Sir, then there is another aspect of this matter. There will be another matter on which the opinion of this Committee will be asked for. They will be asked to judge if District School Board has failed to do its duty or not. This is a very important matter. If the report is that they have failed, then the question of supersession will come, and the question of taking action against the Board or compelling the Board to do something which the Board might not like to do, will then arise. Sir, the Board, therefore, cannot work independently, freely and cannot consider a matter from all points of view without fear.

Sir, in another important matter the opinion of this Committee will be taken, namely, in what area the maintenance of a school will be handed over to the union board and what will be their power. That is the most important thing and as the official view is always conservative and they always think that our people are not fit to maintain and conduct schools, they will generally refuse to delegate any power. Sir, from that point of view, the utility of the Committee will be reduced. Sir, another matter on which the opinion of the Committee will be taken, namely, in what area free and compulsory primary education will be introduced. The cry for free and compulsory primary education was raised in 1911 by that renowned statesman and the great son of India, Mr. G. K. Gokhale. Since then, every popular organisation in India passed resolution demanding free and compulsory primary education. Then, the Auxiliary Commission better known as Hertog Commission who were appointed to enquire into the educational progress of India also laid down that India could not progress in any department unless the masses were educated. The members of the Hertog Commission reviewed the condition of primary education from province to province and commented on the wastage of human materials during the primary education stage in Bengal.

In the case of Bengal, only some 12 or 15 per cent. of boys reach the final stages in the primary schools, as compared with 40, 50 or 30 per cent. in the other provinces, especially in Bombay and the Punjab. In that view, that is to say, the circumstances being as above, compulsory primary education ought to be introduced in Bengal. Therefore, a Central Committee has got to be chosen with great care and it should not consist of a majority of officials and nominated members, as our past experience shows that the official view is always against the introduction of compulsion in the matter of primary education. They have their own notions about this. Here, I may cite the example of the Chittagong Municipality. When the Chittagong Municipality sent up their first proposal recommending the introduction of complusory primary education within the municipal areas of Chittagong, the Inspector of Schools for that Division kept the scheme and the proposals with him for more than a year without sending them to the Education Department. The proposals were not sent up to the higher authorities at all. It so happened that the Commissioner of the Chittagong Division came to know of this and he asked the Inspector of Schools to send up the proposals at once. Then it was argued that it was a great innovation and that is why it was not sent up. This, Sir, is the state of things showing the trend of the official mind. So, whenever proposals regarding compulsory primary education will be sent there will be opposition against it and only in very rare cases

will the officials support the scheme. And if such proposals are made when an official Chairman functions, the proposals are bound to be vetoed in many cases. They have got their own ideas about primary education in England; they think that a poor country like Bengal or India cannot afford to keep such a large staff and other things as is done in England. They seem to think that everything here should be on the model of what obtains in England, and on that ground many times they will veto the proposals. So in this matter also we apprehend that the official Chairman of the Central Committee will stand in the way of free and compulsory primary education in Bengal. I think, Sir, that it would have been far better if Government had not formed any Central Committee at all; for, without such a Committee the District School Boards had been functioning all right hitherto and no necessity had arisen for the formation of a Central Committee now. If, however, a Committee is to be formed at all, let a Committee be formed on a democratic basis with possibility of free discussion; and not a Committee in name only, brought into existence to hoodwink the people that there is a Central Committee of experts at the top.

There is another aspect of the question and that is the constitution of the District School Boards. That body is also being officialised. In this connection, I must state that the Muslim League Party stand for justice—justice to all interests concerned. They cannot raise any objection to the representation of the Scheduled Castes in the school boards. We are at one with our friends opposite that the Scheduled Castes should have adequate representation on these boards. But what we object to is that they should be brought on these boards by the method of nomination while there are other methods equally suitable to achieve that purpose. But instead of using these other methods, Government have resorted to the method of nomination to put them on the board.

Mr. DEPUTY SPEAKER: How long will you take to finish?

Mr. NUR AHMED: Ten to fifteen minutes more, Sir.

(Cries of "as much as that" from many honourable members.)

Point of information.

Mr. J. B. ROSS: May I rise on a point of information? May I know what language the honourable member who has just sat down was speaking? I listened to his speech for the last twenty minutes straining my ears and trying to understand what the honourable member was saying but I have not been able to undrstand even one-tenth of the long rigmarole that he has been giving off.

Mr. DEPUTY PRESIDENT: Order, order. The Council now stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 24th November 1942.

Members absent.

The following members were absent from the meeting held on the 23rd November, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) **Mr. Altaf Ali.**
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. B. C. Datta.
(7) **Mr. N. C. Datta.**
(8) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(9) **Mr. K. L. Goswami.**
(10) Mr. Mohamed Hossain.
(11) **Khan Bahadur Mohd. Asaf Khan.**
(12) **Maulana Muhammad Akram Khan.**
(13) Sir T. Lamb.
(14) Mr. J. McFarlane.
(15) **Mr. T. B. Nimmo.**
(16) **Mr. R. Pal Chowdhury.**
(17) Dr. K. S. Ray.
(18) Rai Bahadur R. B. Roy.
(19) **Mr. B. K. Roy Chowdhury.**

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BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session, 1942—No. 25.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 24th November, 1942, at 2-15 p.m., being the twenty-fifth day of the Second Session of 1942, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY) was in the Chair.

Obituary Reference.

Mr. DEPUTY PRESIDENT: Honourable members of the Council, it is my melancholy duty to convey to you the news of the sad and sudden death of the Hon'ble Sir Muhammad Yakub, Reforms Adviser to the Government of His Exalted Highness the Nizam of Hyderabad, and a Member of the Council of State.

Born 63 years ago at Moradabad, Sir Muhammad was a very prominent figure in the public life of India. After finishing his education at Aligarh, he joined the Bar at Moradabad and soon came into prominence. In 1924 he was elected to the Central Legislative Assembly and became its Deputy President in 1927. The sterling qualities of his head and heart were appreciated by all sections of the House in no time and he was elevated to the responsible position of the President of the Central Legislative Assembly in 1930. He always took active part in politics and in 1927 presided over the Annual Session of the All-India Muslim League held in Calcutta.

His appointment in 1938 to the exalted position of the Viceroy's Executive Council received popular appreciation. Among his manifold public activities were included the membership of the Age of Consent Committee, the Franchise Committee and the Statutory Railway Board in London. By his death the public life of India is distinctly poorer today and the Nizam's Government has lost a very able Reforms Adviser which position he held with great credit.

A great parliamentarian, an able administrator, a distinguished lawyer and above all a gentleman of innate courtesies, he will ever be held in high esteem by his countrymen.

May his soul rest in peace!

I would request the honourable members to rise in their seats as a mark of respect to the departed soul!

(Honourable members rose in their places.)

Thank you gentlemen. It will be my duty to convey the message of condolence to members of the bereaved family.

QUESTIONS AND ANSWERS

Political disturbances.

57. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(1) the number of persons killed and injured during the recent political disturbances in Calcutta, as well as in other districts of Bengal, during August, 1942;

(2) how many Government servants have been injured and killed; and

(3) if any compensation has been paid to the persons killed or injured; if so, what are the respective amounts?

(*b*) Will he be pleased to lay on the table a copy of the instructions or order issued to the authorities concerned on this subject?

(*c*) What steps have the Government taken and do they propose to take to check the recurrence of such political disturbances in future?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (1) and (2) Details collected from information up to about 5th September are as follows:—

	Calcutta.		Elsewhere.	
	Killed.	Injured.	Killed.	Injured.
Total ..	20	155	9	41
Of whom Police ..	..	74	..	11

(3) Not yet.

(*b*) If the honourable member refers to compensation to members of the public injured, the matter is under my consideration.

(*c*) Government hope that the punishment of offenders, the imposition of collective fines and the temporary detention of persons who might revive the disturbances will prevent their breaking out again.

Machine gun fire from air.

58. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if there had been machine gun firing from the air near Ranaghat at about 16 miles south of Krishnagar in the Nadia district on a mob in connection with the present disturbance;

(*b*) if so, on what date and time; and

(*c*) under whose instruction machine gun was fired?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have nothing to add to the statement made in this House on the 2nd October, 1942.

Salt and sugar industry.

59. Rai Sahib JATINDRA MOHAN SEN (on behalf of Rai Sahib Jogendra Nath Ray): Does the Hon'ble Minister in charge of the Agriculture and Industries Department propose to take steps to promote cottage industries for preparation of salt and sugar? If so, will the Hon'ble Minister please give the details of the steps taken by the Government in this matter?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): So far as the salt industry is concerned, the honourable member is referred to the reply given to part (*a*) of the question No. 10 by Mr. Nur Ahmed on the 29th September, 1942. As regards the sugar industry there is no cut and dried proposal before Government but the Bengal Industrial Survey Committee have submitted a report which contains a number of useful recommendations for the improvement and development of sugar industry in Bengal and it is now receiving the consideration of Government.

Experts, however, are of opinion that generally speaking sugar manufacture on a cottage industry scale cannot be an economic proposition, since it cannot compete with the sugar produced on a factory scale and it is for this reason that many open pan factories were forced to close down.

Khan Bahadur ATAUR RAHMAN: Was there any Sugar Enquiry Committee?

The Hon'ble Khan Bahadur M. ABDUL KARIM: This matter comes within the scope of reference to the Bengal Industrial Survey Committee.

Khan Bahadur ATAUR RAHMAN: There was a Sugar Enquiry Sub-Committee and it has submitted its report. May we know what has been done with that report?

The Hon'ble Khan Bahadur M. ABDUL KARIM: That is now receiving the consideration of Government, as I have already said.

Shortage of sugar.

60. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state if it is a fact that there is shortage of sugar in Chittagong and it is being now sold at Re. 1-4 per seer?

(*b*) Is it a fact that even coarse rice (*aus*) is being sold at Rs. 6-8 to Rs. 7 per maund in town and rice of better quality at Rs. 9 to Rs. 11 per maund?

(*c*) Is it a fact that a large quantity of rice is being sent to Noakhali, Comilla and other districts of Bengal from Chittagong?

(*d*) If so, what steps have been taken by Government of Bengal for supply of sugar and rice to Chittagong and to stop export of rice to other districts?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) There is a shortage of sugar. I am not aware of the most recent prices.

(*b*) The latest reports show that the price of common rice is about Rs. 8 per maund.

(*c*) Normal surplus exports to more needy districts were taking place till recently. A temporary ban on exports has been imposed since the end of October, 1942.

(*d*) Chittagong can supply itself with rice and a temporary restriction on export has been permitted owing to emergency. The actual control that Government is able to exercise over sugar imports at present is not adequate to permit of any but very small consignments being made available to districts at controlled prices.

High price of kerosene.

61. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce Department be pleased to state whether he is aware that the shop-keepers of the Naldi Bazar, Mithapur Hat, Brahmandanga Hat, all of police-station Lohagara, Pazarkhali Hat, Sharashpur Hat and Ratadanga Bazar, all of police-station Narail, and Banagati Hat of police-station Shalkia, Jessore, are selling kerosene at annas 12 per seer and sugar at Re. 1 per seer and other necessary commodities at similarly high price?

(*b*) Is it a fact that the Subdivisional Officer of Narail, on his own initiative, prosecuted two shop-keepers of the Naldi Bazar on the 2nd October, 1942?

(*c*) If the answers to question (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what actions are being taken to stop these instances and what punishments were awarded to the accused persons?

(*d*) If the answer to question (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if any action is going to be taken by the Government against the shop-keepers for negligence of their duties? If so, what are they? If not, why not?

The Hon'ble Khan Bahadur M. ABDUL KARIM (on behalf of the Hon'ble Nawab Khawaja Habibullah Bahadur, of Dacca): (*a*) No specific complaints or reports were made about the high charge of kerosene by any member of the public and none have been reported regarding sugar. Specific instances when detected are properly dealt with.

(*b*) Yes. Two big shop-keepers at Naldi have been prosecuted. The cases are *sub judice*.

(*c*) and (*d*) Does not arise.

Short-notice Question.

Dr. RADHA KUMUD MOOKERJI: Sir, I put the short-notice question regarding the arrest of Mr. Kiron Sankar Roy, that was asked yesterday.

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. Kiran Sankar Roy was arrested on Sunday, the 22nd November, by Deputy Commissioner, Special Branch, under Defence of India Rule 129 to prevent his continuing to conduct the Congress movement.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Chief Minister be pleased to state whether before his arrest he knew anything of this matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir, I knew nothing.

Khan Bahadur ATAUR RAHMAN: Has the Chief Minister ever been consulted about his arrest?

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Mr. LALIT CHANDRA DAS: Will the Chief Minister be pleased to state whether by this time the police have submitted any papers to him, explaining the circumstances which led to the arrest of Mr. Kiran Sankar Roy.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, beyond what I read out, I have got nothing to say.

Mr. HAMIDUL HUQ CHOWDHURY: Does the Chief Minister support the action of the police when they made the arrest?

The Hon'ble Mr. A. K. FAZLUL HUQ: That question does not arise.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I have an answer to my question?

Mr. DEPUTY PRESIDENT: He is not prepared to answer that.

Mr. HAMIDUL HUQ CHOWDHURY: Is the police action justified according to the view of the Chief Minister?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is for me to decide. I am not going to decide it here. I will decide that in proper place and in proper time.

Sir BIJOY PRASAD SINGH ROY: May I know under whose orders the arrest was made?

The Hon'ble Mr. A. K. FAZLUL HUQ: The police papers show that he was arrested by the Deputy Commissioner, Special Branch, presumably under the orders of Deputy Inspector-General, Intelligence Branch.

Sir BIJOY PRASAD SINGH ROY: In that case, may I assume that the Deputy Inspector-General, Intelligence Branch, functioning as agent of the Provincial Government ordered the arrest?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have told the fact and it is for the honourable members to draw their conclusion.

Sir BIJOY PRASAD SINGH ROY: It is not a matter of drawing conclusion. It is a question of fact. Whether officers of the Government have become independent of the Government, or they are functioning under the orders and direction and with the concurrence of Government—is for the Ministers to say.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have asked them to let me know the circumstances and the reason why the arrest has been made. Till I get a statement from the police, I cannot answer the question.

Sir BIJOY PRASAD SINGH ROY: I am afraid the Hon'ble the Home Minister has misunderstood me. The point is this: I want to know whether the arrest has been made by the police under the authority vested in them by the Government or not.

The Hon'ble Mr. A. K. FAZLUL HUQ: The police has got powers; some powers are delegated to them under the Defence of India Rules under which they can make arrests on occasions of emergency.

Sir BIJOY PRASAD SINGH ROY: Sir, it is over 48 hours now since the honourable member was arrested. He is an important political leader of the province and am I to understand that the Hon'ble Minister in charge of the Home Department had no time even within the last two days to enquire into the facts and circumstances under which Mr. Roy was arrested?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as soon as I heard of his arrest, or rather read of his arrest in the newspapers, I asked for papers and I have not yet received anything beyond what I have read out to the House just now.

Sir BIJOY PRASAD SINGH ROY: This House was anxious to listen to the reply that the Hon'ble the Home Minister would give to the short-notice question put by Dr. Radha Kumud Mookerji. We were expecting that the Hon'ble Minister would come ready with all the facts, so that the House would know under what circumstances and under whose authority the honourable Mr. Roy was arrested and I must say that it is very disappointing that he should be taking shelter under the excuse of not being able to obtain full information even by now?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is not a question of my taking shelter under any excuse and I have not done so. As soon as the question was put to me yesterday, I took time to enquire into the situation as at that time I had nothing before me except the news of his arrest. I, therefore, took time in order that I should be able to give information that would be useful. I immediately got into touch with the police and all that I have got I have read out completely. I have done my best. And if I have not been able to get fuller information, it is not my fault.

Khan Bahadur ATAUR RAHMAN: Is the Hon'ble the Chief Minister powerless as regards the arrest of any person? As a member of the Cabinet and as the Chief Minister is he powerless to get the necessary report from the police regarding the arrest of a respectable member of the Lower House?

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, Sir, I have not been able to judge of my powers fully as yet, but I do regret that I have not been able to give the House the information which the House has every reason to expect. Possibly, under the exceptional circumstances on account of the war and the movement that is going on around us, the police has taken action which apparently seems to be unjustified or even improper. They may also be justified or may not be. But at the present moment I am unable to say anything more than what I have said. That is all the information that I have got, and I regret that the position should be like this.

Sir BIJOY PRASAD SINGH ROY: Will the House be justified in assuming from what has fallen from the Hon'ble the Home Minister that the police have been given a blank cheque and that they can go on arresting any person they like irrespective of the position of the person whom they arrest?

The Hon'ble Mr. A. K. FAZLUL HUQ: As a matter of fact, no cheque has been given to the police, whether blank or filled-up. But the police has been given certain powers,—powers delegated to them under the Defence

of India Rules,—and they act on their own initiative in cases of emergency. Such action is taken under the instructions of responsible police officers and they must know that if after action has been taken it appears on scrutiny that they have acted in an irresponsible manner they can be taken to task by the Government.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble the Home Minister please state if the action of Mr. Kiran Sankar Roy was so violent that he should be arrested without reference even to the Chief Minister?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have already said, Sir, I know nothing further about the matter.

Dr. RADHA KUMUD MOOKERJI: While I appreciate the courtesy of the Hon'ble Home Minister in consenting to reply to the short-notice question which I put yesterday, may I ask him to throw fresh light on the phrase used by the police, namely, that Mr. Roy was conducting the Congress movement? I should like the Hon'ble Home Minister to throw some fresh light on the expression "Congress movement".

The Hon'ble Mr. A. K. FAZLUL HUQ: This expression is certainly rather vague and I have already asked for fuller details.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it not a fact that the Congress movement has been declared illegal—I mean the all India Congress movement—by the Government of India?

(No reply was given.)

Dr. RADHA KUMUD MOOKERJI: May I know exactly when something like a charge is going to be framed against Mr. Roy by the police? The charge which has been framed is very vaguely expressed by the expression "Congress movement". May I ask the Hon'ble Home Minister to be very strict about the formulation of the charge in view of the fact that the Congress movement is a non-violent movement and any disorderly features which are said to be an offshoot of the Congress movement, we emphatically refute as assumption?

The Hon'ble Mr. A. K. FAZLUL HUQ: In case of arrest under rule 109 of the Defence of India Rules, no charge is framed: action is taken by the police and it is reported to the Government. The police arrests the person and can keep the arrested person for 15 days without any order from Government. But before 15 days passes Government have to decide whether the arrested person should be in custody or whether he should be made a security prisoner under rule 26. No question of charge arises; but if the person submits any representation to Government, that certainly is enquired into.

Dr. RADHA KUMUD MOOKERJI: Am I not entitled to assume that a *prima facie* case has been instituted when the police charged him for the so-called offence of conducting the Congress movement?

The Hon'ble Mr. A. K. FAZLUL HUQ: After I have received the papers if in my judgment I feel that there is no justification for the arrest, I will advise His Excellency to consent to his release. (Dr. RADHA KUMUD MOOKERJI: Thank you.)

Mr. NARESH NATH MOOKERJEE: In view of the circumstances under which Mr. Kiran Sankar Roy who is the leader of the Congress Parliamentary Party in another House——

Mr. DEPUTY PRESIDENT: Are you putting a question?

Mr. NARESH NATH MOOKERJEE: Yes. Does the Hon'ble Minister in charge of the Home Department consider that the time has not come when he should make a serious effort to withdraw certain powers delegated to the police particularly in respect of arresting members of the Legislature? Before the police consider it necessary to arrest a member of the Legislature, is it not proper that the Minister in charge of the Home Department should be first consulted?

I am putting these points in the shape of questions and I do not want an answer immediately; but I hope that my question will receive due consideration and that he will give a reply to it whenever the Hon'ble Minister considers it suitable.

Adjournment Motion.

Mr. DEPUTY PRESIDENT: I have received notice of an adjournment motion from Khan Bahadur Saiyed Muazzamuddin Hosain who wants to discuss a definite matter of urgent public importance, namely, the arbitrary restriction imposed by the Subdivisional Officer of Natore in Rajshahi district, while granting permission for a public meeting at Chanchkoir on 28th instant, forbidding all political demonstrations and speeches and criticisms of Government policy and actions taken by Government servants in the course of their official duty, and thereby preventing all legitimate ventilation of grievances against Government and its officers concerning matters not in any way connected with the war or war effort.

I should like to know, at the very outset, the source of the honourable member's information.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have got definite information. I have got a copy of the order which I may read out, if you want.

Mr. DEPUTY PRESIDENT: When did you get the copy?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I got it last night.

Mr. DEPUTY PRESIDENT: What is the date of that order?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is no mention of any particular date; it may be 20th November, 1942.

Mr. DEPUTY PRESIDENT: That meeting has not yet been held.

Khan Bahadur SAIYED MUAZZAMUDIN HOSAIN: But the Subdivisional Officer has passed an order which is curtailing the rights of an ordinary citizen. We are entitled to call into question his conduct in his official capacity, as it infringes the ordinary right of a citizen. We have a right to ventilate our grievances against the conduct of such Government servants.

Mr. DEPUTY PRESIDENT: Can you enlighten the Chair under what section of what Act the Subdivisional Officer passed this order? Are you sure that this order was not passed under the Defence of India Rules?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is an order that public meetings cannot be held without the permission of the Subdivisional Officer or the District Magistrate. Here in this particular case the Subdivisional Officer has given the permission but he has imposed certain conditions which are against the fundamental principle of freedom of speech.

Mr. DEPUTY PRESIDENT: I should like to know what the Hon'ble the Home Minister wants to say in regard to this matter.

The Hon'ble Mr. A. K. FAZLUL HUQ: Apart from other things, I object to the motion being moved and for obvious reasons. There should not be any discussion in this respect, because Government have given powers to the Subdivisional Officers to impose conditions when granting permission for meetings, processions and the like. These powers have been given to the Subdivisional Officers, because it is they who have got to decide whether in maintaining public peace and tranquillity, communal harmony and the like, they should or should not allow discussions of certain matters in public meetings. In the exercise of their discretion, from administrative point of view they pass these orders. I, therefore, submit that from that point alone, if for nothing else, this question should not be debated here in this House.

Secondly, the discussion of an adjournment motion should have a principal object in view. Ordinarily, it is meant to be a censure on the Government if it is carried. Suppose for a moment that the House takes the view that although the Subdivisional Officer passed that order in his

discretion, we are to blame the Government and carry the motion through; and if that motion is taken as a censure motion on the Government, what will be the result? The order passed by the Subdivisional Officer will take effect and no meeting on the 28th instant will be held except under those conditions.

Therefore, my honourable friend gains nothing by way of redress against that order. His only object seems to be to censure the Government and, I submit, we know absolutely nothing about the conditions and circumstances which led to the passing of the orders complained of. And so it is not for us to say anything and, therefore, Sir, even if it is admitted, I am not prepared to say anything so far as this question is concerned.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, legitimate discussion of Government measures and criticism of Government action is not barred under any section of the Government of India Act. If such criticism is not permitted, then popular Government should cease; the Government should be handed over to the Governor's charge or martial Government should be declared. But if the popular Government is to exist and function, then we have the right to criticise the action of the Government. If this is not permitted, I should ask: are we living in Fascist Germany or under the British Crown? We emphatically say that every one has got the right to criticise the action of the Ministers and officials if they go out of their way and do things which they should not. There is a species of birds which shuns sun's rays and flourishes in darkness. Are we to assume that our Ministry shuns the rays of public criticism and flourishes in darkness? If that is so, then the whole thing is a farce. The Ministry should either cease to function or allow their action to be criticised. We do not want to criticise matters which have anything to do with war effort. We want to criticise ordinary matters. Sir, it is never the intention of the rules which have been framed under the Defence of India Act that the Ministry or their officers should be given protection for committing misdeeds. I think it is a very urgent matter. If freedom of speech is to be restrained like that, there should be an end of all democratic institutions here in this province. With these words, I urge that it is a very important matter, since similar orders have been issued in many other places. My friend, the Chief Minister, says that nothing will avail by discussing this matter here. I do not think he is right. If he is convinced after hearing the discussion that the order should not have been given, he can still send out telegraphic orders to withdraw restrictions.

Mr. DEPUTY PRESIDENT: After the statement of the Hon'ble the Home Minister and having regard to the fact that we are passing through an emergent time and also to the ruling which I cited yesterday, I am of opinion, rather, I should say I am satisfied, that the order which has been passed by the Subdivisional Officer, Natore, has been passed in the ordinary administration of law and it cannot be discussed in an adjournment motion. So I rule it out of order.

Statement regarding cholera epidemics in Bengal districts.

The Hon'ble Mr. SANTOSH KUMAR BASU: My honourable friend Mr. Nur Ahmed raised a very important question by way of an adjournment motion, namely, the consideration of the situation which has been created in several places mentioned in the adjournment motion by reason of the cholera epidemics there.

So far as the Government is concerned, they have come to ascertain these facts, namely, whatever has been available to them, from communications received from the respective local authorities only very recently. Primarily, the tackling of epidemics is a duty cast upon the district boards in rural areas and on municipalities in urban areas by virtue of the statutes under which they function. So far as the rural areas are concerned it is primarily the duty of the union boards to bring to the notice of the district boards immediately or as early as possible the outbreak of any epidemic, and it is for the district boards within the limits of their financial resources and other resources to arrange for the necessary materials and personnel for the purpose of fighting these epidemics. When they fail to do so, and so far as they are in need, they can certainly approach the Provincial Government and it is undoubtedly the duty of the Government to come to their rescue and furnish them with such materials and personnel as they may stand in need of. That has been the practice and that has been the procedure and these principles have been laid down in the appropriate statutes. Now, with regard to the cases which have been mentioned in the adjournment motion I find that so far as the Faridpur district is concerned, the Assistant Director of Public Health, Dacca Circle, has been already on the scene and he has already taken all possible steps to provide doctors for the Faridpur District Board. Unfortunately the epidemic has taken a very violent and serious turn in the Faridpur district and I am perfectly at one with the honourable member when he suggests that the resources of Government should as far as possible be placed at the disposal of the Faridpur District Board for the purpose of combating this scourge. Now, Sir, the difficulty with regard to finding medical personnel has been enormous. In these days it is very difficult to find doctors in Calcutta so as to appoint them for the purpose of combating the epidemics in the mofussil. So far as the mofussil doctors are concerned, upon whom we have primarily to depend, for the district board, district boards are authorised to appoint doctors locally so that they can function in their own respective areas for prevention as well as for treatment of these epidemic diseases. Unfortunately, at the time of epidemics doctors do not find it lucrative enough to accept appointments for serving in epidemic areas. Also, having regard to the scale of pay which had so far been fixed for doctors recruited in Calcutta, there has been difficulty in the matter of recruitment. Government have taken up seriously the question of revising, if necessary, the scale of remuneration in order that a regular influx of doctors may be obtained for service in epidemic areas, in times of necessity. I would in this connection take this opportunity of making an appeal, an earnest appeal, to the

medical profession to respond to the call of duty and humanity and not to lag behind when their services are requisitioned. If it is a question of remuneration, Government will most certainly give their very anxious and earnest consideration to that point. But as regards the unwillingness to serve, I have got sufficient faith in the medical profession to expect and hope that they will come forward in response to the call of duty and will not swerve an inch from their path and that they will offer their services for serving in these epidemic areas in the remote rural places. I can assure the honourable member that steps have already been taken with regard to each and every one of those cases mentioned in his motion as well as in respect of those places which are not mentioned in the motion for the purpose of tackling this fell disease. But I hope and trust that he will assist the Government by not pressing the motion as he has promised, leaving the Government to work in collaboration and harmony with the local bodies concerned so that the needful may be done as early as possible.

Statement about Committees appointed by Government.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I lay on the table of the House the information so far as Home Department is concerned promised in reply to question bearing No. 96 to which an *ad interim* reply was given on the 12th September, 1941:—

Question: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many Sub-Committees, Special Committees and Expert Committees have been formed by the Government in which some members of both Houses have been appointed from April, 1937, to 15th August, 1941?

(*b*) What are those Committees and Sub-Committees and when were they formed and how many of them have submitted their reports and how many have not yet submitted their reports?

(*c*) Will the Hon'ble Minister be pleased to state the name or names of the honourable members selected from the Bengal Legislative Council to serve on each and every such Committees?

(*d*) Is it a fact that one particular member from this House was appointed in several Committees?

(*e*) If so, who is he, and on what ground was he appointed on several such Committees?

(*f*) Do the Government follow any rule or principle in selecting any members from both Houses or do the Government appoint as they think fit?

(*g*) Do the Government consult the leaders of the different parties in both Houses in the selection of members for a particular Committee? If not, why not?

Answer: (*a*) 8.

(*b*) and (*c*) (*i*)Indian Police Selection Committee formed in July, 1937—Mr. Birendra Kishore Roy Chowdhury.

(*ii*) Indian Police Selection Committee formed in June, 1938—Rai Keshab Chandra Banerjee Bahadur.

(*iii*) Chaukidari Enquiry Committee formed in July, 1938—Khan Bahadur Rezzaqul Haider Chowdhury and Khan Bahadur M. Abdul Karim.

(*iv*) Advisory Committee to examine the cases of terrorist prisoners formed in December, 1938—Mr. Lalit Chandra Das.

(*v*) Indian Police Selection Committee formed in June, 1939—Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

(*vi*) Indian Police Selection Committee formed in June, 1940—Rai Keshab Chandra Banerjee Bahadur.

(*vii*) Bengal Jail Industries Enquiry Committee formed in July, 1940—None.

(*viii*) Indian Police Selection Committee formed in June, 1941—Rai Radhica Bhusan Roy Bahadur.

All the Committees have since submitted their reports.

(*d*) and (*e*) No. Only Rai Keshab Chandra Banerjee Bahadur was on two Committees in 1938 and 1940.

(*f*) and (*g*) Mr. Lalit Chandra Das was nominated by the Congress. For the Jail Industries Enquiry Committee the Chief Whip of the Opposition (Congress) in the Assembly was consulted.

In other cases selections were made by the Minister in consultation with the leaders of the different parties.

The Bengal (Rural) Primary Education (Amendment) Bill, 1942.

Mr. DEPUTY PRESIDENT: The House will now resume discussion of the motion of the Hon'ble Leader of the House that the Bengal (Rural) Primary Education (Amendment) Bill, 1942, as settled in the Council, be passed.

Mr. NUR AHMED: Sir, yesterday while I was dealing with the second part of the Bill, the House was adjourned. While the House was being adjourned, Mr. J. B. Ross, Leader of the European Group, very kindly gave me a two-fold certificate. He said he could not understand in what language I was speaking.

Sir, really this is a certificate for me. After speaking for more than 5 or 6 years in this House, I have discovered a new language in which I was speaking yesterday and it was such a new language that even Mr. Ross could not detect what it was.

The second part of the certificate was where he said that in spite of his best attempt he could not understand one-tenth of my speech. Sir, I do not

know whether it was want of capacity on my part to make him understand or it is want of capacity on his part to understand my speech. Sir, I am thankful for the certificate which he so kindly gave me. But, Sir, I have not been able to understand the motive which lies behind this certificate. It may be that he thought that I was wasting the time of the House and he wanted to discourage me which I do not think to be the true reason; or it may be that Mr. Ross has developed a dislike for the Muslim Leaguers. Sir, it is apparent from his attitude, from the tone of his speech that he could not miss an opportunity of casting a fling at a poor Muslim Leaguer like my humble self. He has heard my speech for a pretty long time and now he says that he could not understand my speech or the language in which I spoke. It may be that when I was speaking against the appointment of Director of Public Instruction, who is his countryman, as the *ex-officio* Chairman of the Central Committee, he thought fit to come out with this certificate.

However, Sir, to resume my unfinished speech regarding the provisions of the Bill. I was speaking on the proposed amendment regarding the constitution of the Central Committee. Sir, I have shown by my arguments that the utility of this Bill will go away if the management of the Central Committee is formed according to the Government suggestion.

Mr. J. B. ROSS: On a point of order, Sir. I would draw your attention to rule 42, sub-section (*4*). In that rule, Sir, the time permitted to any honourable member speaking on a motion is 15 minutes and except with the permission of the President he cannot exceed the time-limit. The honourable member who has just sat down has already been on his feet for 25 minutes. He has not obtained your permission to proceed beyond 15 minutes. He took that permission for granted. Moreover, he is not putting forward any new facts, as far as I can understand him. He is merely reiterating what he said at the Second Reading stage of the Bill and I, therefore, suggest, Sir, that he is in breach of rule 12(*2*), sub-section (*vi*).

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I wish, Sir, Mr. Ross had pointed out the rule yesterday instead of casting a fling.

Mr. DEPUTY PRESIDENT: As regards the point which has been raised by Mr. Ross, I fully appreciate the desirability that the honourable members should curtail their speeches as much as possible, so that other members may take part in the proceedings. But as regards the rule which has just been referred to, I may inform the House that the late Hon'ble President did not strictly follow this rule in respect of Bills So far as the point of wilfully obstructing other members is concerned, I feel constrained to observe that this is a very serious charge against an honourable member which should not ordinarily be made by another member; at any rate, honourable members are not here simply to obstruct. I will request Mr. Nur Ahmed as well as other members to curtail their speeches in such a way so

that all members who are willing to take part in this debate may do so, because this is the last day and all the members are expected to accommodate each other.

Mr. NUR AHMED: I gladly accede to the request of the Chair. I will finish my speech within 5 minutes.

As regards the effect of the amendment on the District School Boards it is apparent. There, the number of elected and nominated members will be equal, according to the provisions of this amending Bill. Sir, the second objection is to the procedure by which these two additional members will be appointed. We thought that Government would provide for the election of these members by the district or union board members. Sir, lastly, the Hon'ble the Leader of the House has stated while moving his motion that it is a stop-gap legislation, and that he is coming very soon with a comprehensive legislation. Sir, what is the necessity of passing this Bill, then? This Bill will again go to the Assembly. Most probably the Assembly will be held in February next and according to the statement of the Leader of the House during that very session the comprehensive Bill will be introduced. What is the purpose of this stop-gap legislation, I do not understand. Stop-gap legislation is, generally made to stop something. I understand that in recent bye-elections, the nominees of the Muslim League have come just like a flood and the Hon'ble the Leader of the House presumably wants to stop that by this stop-gap legislation. So, on these very grounds, I oppose the passing of the Bill.

Sir BIJOY PRASAD SINGH ROY: Mr. Deputy President, Sir, I may assure my honourable friend on the Treasury Benches—I say my honourable "friend" because he is the only solitary figure on the Treasury Benches at present—that I do not want to intervene in this debate in a spirit of carping criticism. Sir, I cannot congratulate the Hon'ble the Leader of the House on his authorship of this measure. In fact, he is an old friend of mine and that spirit of friendship prompts me to say that I only wish that this responsibility, unpleasant as it is, had not devolved on him.

I would draw the attention of the House to the principles underlying this Bill. The criticism that has been levelled by the Opposition is mainly this, that it is a retrograde measure. The Bill, I feel, does not reflect any credit on the Progressive Coalition Party. The Party has made no progress, at least no progress forward; if it has made any progress it is certainly not a progress forward but a progress backward.

Sir, let us look at the provisions of the Bill. The Committee of the District School Boards is to consist of ten members. Out of these ten members, in the original Act six were to be nominated and four to be elected by the different constituencies, and the proportion was six to four. But the change that has now been introduced in this amending Bill increases the proportion to eight to two, i.e., eight to be nominated by Government and two to be elected. That certainly is a retrograde proposal.

Another provision that has been introduced in this Bill is that the Director of Public Instruction should be *ex-officio* Chairman of the Central Committee. That again is a retrograde step. Probably, the Director of Public Instruction under ordinary circumstances would have been elected Chairman of the Committee because of his expert knowledge, his official position and because of the time that he can devote to the subject. But Government not being satisfied with that arrangement have introduced this retrograde step and have made the Director of Public Instruction's Chairmanship a compulsory affair. With regard to the District School Boards, also, they have added two members to represent the Scheduled Castes. We all welcome this provision. Personally, I do congratulate the Government on this proposal. But instead of allowing the community to elect these two representatives of the Scheduled Castes, here also Government have taken upon themselves the responsibility of appointing the representatives of the Scheduled Castes. If the Scheduled Castes can send their representatives to the Provincial Legislature, they can certainly be considered fit to elect their representatives to the District School Board or to the Central Committee! Why, therefore, has this right been denied to this community? If Government have any solicitude for the political advancement, as well as the rights and privileges of the Scheduled Castes, then it was up to them to concede this right in this Bill also.

I make my submission not in a spirit of criticism, if I may repeat that assurance, but because I feel that the whole principle underlying this Bill is retrograde one and is out of tune with the trend of the public opinion. Government ought to take a note of that fact. The whole of India today is resounding with the claim that we must have self-government. We enjoy Provincial Autonomy. Is the principle underlying this Bill consistent with the spirit of self-government? I venture to submit—no. Besides the principle, I cannot also congratulate the Government on the spirit in which they have piloted this Bill. The Opposition, be it said in all fairness, moved certain very important and useful amendments. All those amendments were opposed; some of them were opposed most unceremoneously, because Government were quite sure of their majority. Certainly when a Government is in power, they naturally are in a majority; but parliamentary Government goes by discussion—it is Government by compromise: that is the spirit in which parliamentary Government ought to work. I regret that my learned friend, the Minister in charge of this Bill, deviated from that salutary principle. My friend the Hon'ble the Leader of the House is an old parliamentarian and I regret to observe that of all persons he should have opposed in a most unceremonious manner the amendments tabled by the Opposition. He was a member of the Council of State: he has been long associated with the Central and Provincial Legislatures. I hope he would live much longer to see that we attain full responsible government at the Centre, and we look to men of his calibre, of his experience, to help us to attain that position. So I feel that it was unjust, unfair and undignified on his part to have brushed aside the suggestions of the Opposition in a most unceremoneous manner. I am sure that time will come when Government will have an opportunity to reflect over the Bill of which they

are proud today. Time will come when they will think seriously over the measure for which they are responsible. I can assure them that the future generation will not be grateful for what they have done.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Sir, I rise to support the motion before the House. Perhaps I am the first member up to the present time to congratulate the Hon'ble Minister in charge, Khan Bahadur M. Abdul Karim, if not for anything else, for the patience and forbearance he has shown in piloting the Bill in the face of the great storm raised by the Opposition over the Bill and of the many serious criticisms not against the Bill itself, but against the individual members of the Government. I do not want to say anything on the merits or demerits of the Bill, as enough has been said. In fact, we have lost much precious time in arguing and discussing each and every clause of the Bill without convincing each other. Almost every amendment which was moved by the Opposition was like a motion of censure against the Government. The discussion went on for two months not against the provisions of the Bill but against the individual members of the Government and against this background I wish to say a few words. I am extremely sorry to say that this House, which is regarded as the House of Elders, who are expected to be sober and silent, has taken such a long time in passing such a simple measure, due to the most ridiculous dilatory methods adopted by the Opposition which has made the House to sit for such a long time.

In the first place, I will say that this Bill, as it was introduced in this House, was passed by the Lower House. Therefore, some of the members here who have been returned to this House by the Assembly, are morally, if not legally, bound to support the decision of the Assembly, because they are looked upon as representatives and spokesmen of that House and they, as I have said before, are morally, if not constitutionally, bound to support the provisions of this Bill. Sir, my friends who are in the Opposition are the members of one and the same organisation which is functioning in both the Houses in the name of the Opposition and I do not believe that my friends in the Lower House came into an agreement with the Government without consulting the members of the Opposition of this House. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, we have not been consulted.) Either the Opposition members of the Lower House did not consult the Opposition members here as has been said by the Leader of the Opposition, or the Opposition members here ignored the advice of their own party organisation and as such they did not accept the decision of the Lower House of which they form a part and parcel. Sir, as we are all aware that each sitting of this House costs a large amount of money to the Government which is ultimately borne by the people of Bengal, for whose poor economic condition we all profess so much sympathy. Therefore, I do not think that my friends were justified in only postponing its passing for a few weeks without being able to alter any clauses of the Bill which fact they were fully aware of. Thus, they have detained the House unnecessarily.

As regards the protest of the Opposition against this Bill, it is more than enough that they are sitting in the Opposition. But the most

regrettable feature of the debates on this Bill was that many bitter criticisms were made against the Government. In fact, some of my honourable friends on the other side of the House could not support or oppose any amendment without abusing their political opponents in most bitter terms. I may say that one of my honourable friends, Khan Sahib Abul Quasem, in criticising two nominations provided for in the Bill also found fault with the Government for appointing a Selection Committee of the Campbell Hospital. He said that the Government was not competent enough to appoint a competent Committee. I will ask if the Government cannot, who else can do? Is it necessary that a general election should be held for appointing a single Committee? I will ask my friend that they should not lose sense of proportions while criticising others. They must give some credit for honesty, ability and love of community and patriotism which they think abounds in them. You cannot force even your friends by thunderous tones and by commanding manners, far less your opponents. Sir, in my opinion to lose temper in business, politics and even in the legal profession to which some of my friends in the Opposition belong, is the greatest obstacle in the way to success. I hope my friends will take my remarks with good heart and cheerful spirit and that they will not lose geniality and cheerfulness, however vehement they might be, in the criticisms of others. With these words, I support the motion.

Mr. AMULYADHONE ROY: Sir, I congratulate the Hon'ble Minister, firstly, on his success in piloting this Bill and secondly on his assurance that he will come before this House with a comprehensive Primary Education Bill in the near future. I do not see eye to eye with my honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain about the charge that he has levelled against the Hon'ble Minister in charge of the Bill. The Opposition, of course, tabled some amendments with the best of intentions. I thank them for their sincerity of purpose and courage of conviction; but, Sir, I do not think that the Hon'ble Minister or the members belonging to the coalition group deserve all the attacks that have been led against them. Sir Bijoy Prasad Singh Roy has characterised the Bill as a retrograde measure. I am not going to express my opinion about the merits and demerits of the issue of nominations *vs.* election; but I must say (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why not) that the Bill is undoubtedly an improvement on the existing Act. Sir Bijoy Prasad was in the Cabinet for the last 12 years, but he could not find time to bring forward any Bill either in this House or in another place, although he knew fully well that our community had had no place during this period in the District School Boards. From that point of view I must say that the Bill is undoubtedly an improvement on the existing Act. Now, Sir, I would like to point out to the honourable members one hard fact and I hope if that wounds the feeling of any one, whether inside or outside this House, I am prepared to tender my apology; because, Sir, my intention is never to hurt, but to place the facts before the honourable members and the country outside, in their real issue.

The Hon'ble Minister in charge of the Bill has said that grave injustice has been done to the Scheduled Castes. He went on to say further tha experience has shown that the Scheduled Castes could not be returned t the District School Boards. I thank the Hon'ble Minister for his recog nition of the fact that members of the Scheduled Castes have not been able to find a place without statutory provision. The history of election of members to the municipalities and local boards, district boards and the Legislature for the last half a century and the selection of members by political organisations to the exclusion of the Scheduled Castes for seats reserved for the Hindu community in the eleven provincial Legislative Assemblies of India bear ample testimony to this fact. This fact, if allowed to continue, will form a dark chapter in the history of Indian nationalism. I am happy, however, that provision has been made for our representation in the District School Boards. But what are the causes which have necessitated the making of such a statutory provision? It is painful to think that members of the Scheduled Castes community cannot stand as candidates by the ordinary operation of the law along with the Christian or European community as the Scheduled Castes candidates are never adopted as candidates in the general constituencies which have been made practically separate electorate by the Caste Hindus. The backward members of the Hindu society have always looked upon the Caste Hindus as the managing member of their family. I would, therefore, most seriously suggest to the honourable members that the managing member must look to the interest of the other members of the family and if he fails to discharge his duty in this respect, then he must be prepared for partition of the family property by metes and bounds. I hope and trust, however, that these things will be things of the past and these safeguards will also be things of the past.

I wish to submit one word about the inconsistencies of this measure. In the original Act in section 4 (I do not know whether I have been able to correctly place the section), with regard to the Central Committee the words "Depressed Classes" occur. In the amending Bill, however, the Government have preferred the term "Scheduled Castes", so that when this Bill will form part of the original Act, there will be certainly an inconsistency. However, as those who are commonly known as Depressed Classes were adopted as Scheduled Castes in terms of the Government of India Act, 1935, I think there will be no anomaly. I do not, however, agree that the Hon'ble Minister in his definition of the term Depressed Classes as being wider in import than the Scheduled Castes is at all right. Because the term "Depressed Class" is practically nowhere defined except in the University Commission's Report, where only 22 or 24 castes have been defined as Depressed Classes; but in the Government of India Act, 1935, the list given there contains about 79 or 80 castes, as can be seen on a reference to the Act. Therefore, Sir, in no sense the words "Depressed Classes" are wider than the words "Scheduled Castes"; rather they are narrower than the term "Scheduled Castes". Then, Sir, I want to know whether the Government or the Hon'ble Minister has any intention to nominate any other castes outside the scheduled list on the Central Committee? I hope I would be assured of this fact by the Hon'ble Minister, because the

Scheduled Caste cannot tolerate that their share will be taken away by any other community. With these words. I support the Third Reading of the Bill.

Mr. HUMAYUN KABIR: Sir, when this Bill was first brought up before this House we were under the impression that perhaps the discussion would be finished in a day or two and the Bill would go through both Houses without any amendment. Further, we were given to understand that this Bill was the result of certain compromises which were arrived at between different parties in another place and that in accordance with that agreement Government had made certain amendments in their original proposals and accepted certain suggestions put forward on behalf of the Opposition as well. Therefore, Sir, we were more confident then in the hope that this Bill will go through smoothly without any controversy. But instead of that, as very often happens here and in other spheres of life, it was surprising to see that this Bill with only a few clauses and certain provisions and amendments, which at first sight do not seem to involve any far-sighted issues have taken a much longer time than any other Bill of similar size has taken in the course of the life of this Legislature. Sir, I had no intention to take part in the discussion of this Bill and I confess that I am not very happy about this Bill. I am always, and I will always be, against the principle of nomination in every sphere of life, and I think there is no justification in any sphere for extending the principle of nomination. Yet I find myself in support of this Bill, because of the assurance by the Government that they want to overhaul the whole Primary Education Act. But this will involve some time. The injustice which has been committed upon a very important section of the communal life of Bengal, I mean the Scheduled Castes, that injustice would be temporarily remedied by this Bill. My honourable friend who spoke just before me has eloquently spoken about the injustice done to them in the past—that injustice is being sought to be remedied now. Therefore, it is necessary, before Government undertake a comprehensive legislation and before they place before the House a Bill which embody Government's views about the primary education, as to how it should be run, organised, and how it should be administered in this province,—till then the temporary defects which exist at present should be temporarily rectified. Therefore, I felt that since the whole matter will be taken up very soon in this Legislature it is perhaps right that as an emergent measure this principle of nomination of Scheduled Castes alone should be accepted, for this is giving temporary relief to a disease which I at any rate, hope will be temporary. Then, Sir, the other consideration which led me to support this measure is one to which I have already referred, namely, that it was an agreed measure. I was given to understand that all sections of the other House agreed to the main provisions of this measure. It came, therefore, as a surprise that members of the Opposition here who, so far as I know, are not isolated and not a different Opposition from that of the other place,—tabled not one, not two but, I think as many as 74 amendments on the clauses of the Bill. These are the two reasons why I find myself in support of the Bill. The Hon'ble Minister

who sponsored the Bill has given us assurance that the whole question about remodelling the existing legislation on primary education will be reviewed and reviewed very soon.

I understand that the Hon'ble the Leader of the Opposition was pleased to make certain reference to me. I can assure him that I stand for the principle for which I stood before and even today I am in favour of abolition of nominations. I think he will bear me out when I say that I wanted to bring in a Bill for abolishing the system of nomination altogether. I can only say this that in the past when we were in favour of nomination, we did not receive that amount of support or that amount of encouragement or sympathy from the members who are now in the Opposition and who now profess that they are for abolition of nomination. It does not grieve me in the least to find that the present Opposition has after all found that the system of nomination is vicious. It is all for the good. It often happens that people do not recognise what is good and what is bad till it comes personally to them, till they have personal experience of the defects of a particularly vicious and pernicious system. I have seen on more than one occasion that the attitude of the honourable members have changed during the last 5 or 6 years. Many honourable members of the Opposition come to me and say that they have now recognised that the principle of nomination is bad. I agree with all that and it may perhaps be not known to my honourable friends that even the administrative officers of Government, after some experience, give opinion which veers round completely and totally against the system of nomination. While we support this Bill, we want that this Bill should be on the statute book as a temporary measure to give temporary relief to a community which has suffered for the last 12 years. At the same time, I appeal to the Government, to the Hon'ble the Leader of the House, that they should see that this anomalous provision of the principle of nomination should not remain a day longer than is necessary. And this should apply not only to the question of the school boards or local bodies but to all local self-governing institutions in this country. I hope I shall have that opportunity of congratulating the Hon'ble the Leader of the House as the member who was responsible for doing away with the vicious principle of nomination from our different local bodies which administer education in the rural areas.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Mr. Deputy President, Sir, I rise to record my emphatic protest against the unkind, unsympathetic and untenable observations of the Hon'ble the Leader of the Opposition yesterday. He accused the members of the Progressive Group for supporting a Bill which in his opinion is an undemocratic, reactionary and retrograde measure. But he forgets, Sir, as some members on this side of the House have pointed out that this was an already agreed Bill,—agreed between the honourable members of the Cabinet and Leaders of all parties including the Muslim League,—in the Assembly and as a result of this agreement the Bill was unanimously passed in the Assembly within a very short time.

As for ourselves, we agree that this is not an ideal Bill. There is sufficient room for improvement but we, members of the Progressive Party, do not like to go back on the promise and disturb the compromise effected by the leaders of the various parties and the Cabinet. Now, coming to the provisions of the Bill, we find that the scope of the Bill is very limited. The present Bill proposes to increase the number of nominations to meet the demands of different communities. The Bill proposes to appoint the Director of Public Instruction as an *ex-officio* Chairman of the Central Primary Education Committee. Sir, public memory is proverbially short, otherwise the Hon'ble the Leader of the Opposition would not have tried to accuse us for supporting nomination in public bodies. There is no doubt that this system of nomination is a controversial subject in which one can honestly differ.

In the opinion of the Hon'ble the Leader of the Opposition, no honest man can support this Bill. Sir, let us see what was the view of this honest leader in Calcutta Municipal Bill,—the Bill which sought to increase and ultimately increased the number of nomination and created separate electorates for Muslims. I would request him to remember his own arguments in supporting the Calcutta Municipal Bill. I take the liberty of reproducing some portion of his argument on 28th June, 1939, in course of discussion on the Calcutta Municipal Bill, "the members of the Opposition have been dinning into our ears in season and out of season that we have been following an anti-democratic, anti-national and a discredited policy by supporting this Bill. But as men of practical politics, we should not go by mere theoretical ideas. We cannot ignore our practical experience." Sir, one can reasonably ask what is the reason for this change of his views. The reason is not far to see. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There was no increase of nomination.) Sir, probably you will remember that at that time you, as a member, proposed to reduce the number of nominated seats from 8 to 4, and that proposal, if I remember it aright, was carried by 1 vote and Khan Bahadur Saiyed Muazzamuddin Hosain gave his views against that proposal. So, Sir, as a matter of fact, he has changed his views. He cannot but admit that. The reason is not far to seek. My esteemed friend has crossed the floor of the House. The cap does not fit him and his colleagues now. So, the Leader of the Opposition must abuse us, the Government supporters. There is another statement which he made yesterday and which is also inconsistent. In the case of district boards, he said, when we have reduced the number of nominated seats from one-third to one-fourth, what is the necessity of increasing it here. We have increased nominated as well as elected seats. He forgets that district boards were started since 1885, and at the beginning the district boards were constituted entirely by nominated members with District Magistrate as Chairman and after years of working even now the system of nomination existed there. What is the justification for doing away with nomination in the District School Boards in the beginning? We should not forget that once we admit the utility of representing different interests, we cannot but make room for all classes of interest. The

District School Boards are infant institutions which need a careful nursing at the hands of the Government and Government can do so by nominating gentlemen of tried ability and honesty on the board. The second objection as regards the Bill raised by the Opposition was the appointment of Director of Public Instruction as *ex-officio* Chairman of the Central Primary Committee. In ordinary course, we generally take objection, but looking to the function and constitution of the Central Committee, I think, Sir, it is not a very objectionable feature. From section 5 of the Act we find that the Central Committee is meant only for giving advice to the Provincial Government. So it is an advisory body merely; it has no statutory power, nor has it any executive work to perform. So, unless the opinion of the Central Committee is accepted by the Government their recommendations will be of no effect. In that view of the case, if the Director of Public Instruction is made the Chairman of the Committee *ex-officio* and if the members of the Committee are able to convince him that such and such measures ought to be adopted, then I think it will go a long way to induce the Government as well to accept the recommendations of the Committee. It is in that view of the case that we have supported the provision of the Bill. Objectionable, the principle of nomination no doubt is; but considering the circumstances that I have mentioned just now, it will not have any very great ill effect on the administration of the District School Boards. With these words, I support the motion for the passage of the Bill.

Rai Sahib JATINDRA MOHAN SEN: Sir, I beg most whole-heartedly to support the motion for the passing of the Bill, and in doing so I beg to state that I stand by every clause of the Bill, which has been passed by an overwhelming majority of the House. Sir, I am not ashamed to say that I support the Bill with a clean conscience, and I shall give my reasons why I do so. Sir, the Leader of the Opposition has poured forth the vial of his wrath on the devoted heads of the Congress and the Progressive Coalition Party for having, as he says, supported this "retrograde measure", and he has further characterised these two parties as having gone back upon the principle of democracy, but, Sir, before I take up the question as to whether we have gone back upon the principle of democracy, I must say that I am sorry to see that the Leader of the Opposition has not got a complete grasp of the meaning of "Democracy". For this purpose I shall quote the definition of "Democracy" as it occurs in Chambers' Twentieth Century Dictionary, which says, "Democracy is a form of Government in which the supreme power is vested in the people collectively and is administered by them or by officers appointed by them". I draw special attention to the last expression, that is, to the words "by officers appointed by them". It is not necessary that every department of a democratic State should have to be managed or administered by the representatives of the people selected or elected by them. It would be quite a good democratic department if it is administered by an official appointed by the democratic State. So far as the administration of the Central Advisory Committee by the Director of Public Instruction is concerned, that officer is a high Government official with expert knowledge of primary education and of all education

generally. My clear idea is that the initiation and expansion of primary education for boys and girls of our country should be left in the hands of experts like him and it should not be left to the whims and caprices of a Chairman who may owe his election to that office by fanning the communal flame or by other dangerous methods. We know that it is not a question of officialisation of the Board or the Committee.

I say that Bengal is now passing through a very abnormal condition. The situation is gradually settling down. It may be that the abnormal situation may change at any moment. So it is desirable in my considered opinion that the administration of the primary education should not be left in the hands of persons who may owe their elevation to the high office by inflaming communal passions or things of that sort. The administration of that department should be left to a departmental expert and to one who knows his business very well. In that view of the case, my position is that we do not go behind the spirit of democracy: we stand by democracy and in the interest of the country and for the well-being of the boys and girls it is better to have one at the head who will be in a position to work in a calm atmosphere: so I think it should, for that reason, be left in the hands of the Director of Public Instruction. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is a Hitlerian policy.) It is not a Hitlerian policy: it is not a totalitarian policy. It is within the democracy which is functioning in Bengal. The Minister in charge of Education is a member of the Cabinet and there should be no comparison of the Minister with Hitler. We are not worshippers of any fetish and that is the reason why I stand by this measure. Again, Sir, my friend opposite has said and cited instance that this department will deteriorate and there may be occasion when the Government will have to set their feet on the department for mal-administration. On the contrary, if my friends will pardon me, I find and we know that in places where the Chairman of municipalities and district boards were elected Chairmen, on account of their inflaming communal passions, there have been mal-administration, defalcation and things of that sort. We also find that recently some municipalities and district boards have been superseded on account of deterioration in the management of the affairs of those bodies due to excessive communal outlook on the part of the non-official elected Chairmen. So it is not a self-evident truth that wherever there is election, there would not be any mal-administration. It depends upon the quality of the man chosen at the helm of affairs. My submission is that no right type of man will come forward for election if communal passion is inflamed. So it is desirable that the administration of the primary education should be left in the hands at least for some time to come of the Dirctor of Public Instruction and I am not ashamed of saying so. (Mr. AMULYADHONE ROY: We do not agree.) Well, there may be difference of opinion. So far as the abnormal situation of Bengal is concerned, so long as it exists I stand by the provisions of this Bill. That is my considered view. I do not say that nomination should have place everywhere at any and every stage. I am not an advocate of nomination, but I say that so long as the present state of affairs does not

improve in Bengal, there should not be any unfettered election to high office in important local bodies. (Mr. AMULYADHONE ROY: Perverse.) You may call it perverse, but I am entitled to have my own view. Then with regard to the question of the manner of representation of the Scheduled Caste Hindus. With regard to that, my friend Mr. Amulyadhone Roy, being himself a member of the Scheduled Castes, has given his own opinion in the matter and he has said that so far as this provision is concerned, he is quite satisfied and his community is satisfied. (Mr. AMULYADHONE ROY: Not with regard to number of seats.) Well, that is a matter which is not of very vital importance.

Now, with regard to the other important improvement, namely, the election of two women in the Advisory Committee. The proposal on the other side was that there should be one Hindu and one Muslim women. With regard to that of course it is very good to hear and it is also very good to read it the papers that one should be a Hindu and one a Muslim, if the matter is scrutinised or looked at from a communal point of view, but in this House so far as I am concerned and the party to which I have the honour to belong is concerned, we are determined to see that the communal questions are given a decent burial. We do not want to revive the communal issues in this House and we desire that communal questions should not be discussed at all and in that view I have supported the provisions of the Bill that there should be two women irrespective whether two should be Hindus or two should be Muhammadans or one should be a Hindu and another a Muhammadan. If the Government think that in the interest of primary education for a particular period two Muslims ladies should be appointed we have no objection and similarly if they find that two Hindu ladies should be appointed we have no objection. With that object in view we supported the Bill whole-heartedly. I extend my full co-operation and sympathy to the Hon'ble the Education Minister for having piloted this Bill amidst strenuous opposition and dialotory tactics and obstruction.

The Hon'ble Khan Bahadur M. ABDUL KARIM: Mr. Deputy President, Sir, in rising to give reply to the debate I must thank all—those who have praised me and those who have said things in dispraise. As the Leader of the House I cannot stoop down to attack or to return the attack of any member of this House. I wish all manner of prosperity and happiness to the Opposition which have spared no pains to attack the Ministry through me, but I wish they had a little more of good taste. That is all that I have to ask from them, and I hope they will always remember that we, members of the Upper House, have to behave ourselves in such a way that it may not bring any kind of disgrace or lower the prestige of this honourable House.

Sir, I will not dilate on this point. As Leader of the House I am sorry also for the fact that the standard of debate on this Bill was not what might have been expected. It is true that I on behalf of Government and my party,—I mean those who are the supporters of Government—have not

said much in reply. The reason is that there are cases which should be summarily rejected, without assigning any reason, and the arguments and amendments which had been brought before the House from the Opposition were, in my humble judgment, and which I am happy to find has been shared by all the members of the various groups except the League Party, did not call for much reply. I have this satisfaction of feeling that if I have erred, I am in very good company. I may tell the House that Sir Bijoy Prasad has given me credit of being the author of this Bill. I will return the compliment back to him and I will say that he and his colleagues of the former Ministry were the authors of this Bill. Sir Bijoy, the leader of the League Party, Sir Nazimuddin and Mr. Shurawardy, they were the authors of the Bill and this mantle has fallen on my shoulders when I assumed charge of office. When I placed this Bill before the Assembly, I appeared before them with a clean slate. I find that as a matter of fact that Bill found unanimous favour with all sections of the Lower House except the League Party which raised certain objections to which against my will I conceded, as the result of which the Bill has evolved out of the Lower House in the present form. I do not feel very happy because I had to give up, owing to the request of the other party, some of the most important provisions that should have been incorporated in this Bill. However, to save time I agreed, bearing in mind at that time that I should have to bring a comprehensive Bill on primary education, as I am going to introduce on secondary education, yet another on the Dacca University and yet the fourth on the Calcutta University. I have that in contemplation. Still, I accepted the decision because that would save time but my objection was frustrated when the Opposition in this House took up an attitude which could not be justified on any ground.

In the first place, the question of nomination *vs.* election is a great controversial matter and this controversy has raged for over a quarter of a century. But the fact remains that although the Bengal Local Self-Government Act was passed in 1885, that is, although it is 57 years since it has been on the statute book, the principle of nomination remains, although, however, it has been reduced from 33 per cent. to 25 per cent. With all the training in civil Government of the much more educated people than what we have in the union boards or local boards, with all their civil training in the art of local self-government, even after 57 years, or minus 20 years, that is even after 37 years, these gentlemen, I mean the representatives of the district boards, have been able to obtain a reduction of nomination by only 8 per cent.; and in the municipalities which have been in existence from about the same time the nomination percentage is 33. Regarded in that light, it must be said that nomination still holds the field. Regarded in that light, for the new institution that we are going to set up with men of a much more inferior type of education and calibre, I think that in the interests of efficiency it is absolutely necessary that nomination should stand at 50 per cent. Here in the Upper House also, honourable members will see that although a large number of the members are elected, a certain proportion is nominated and that proportion is ten per cent. So, the present state of public education in the country and also the present public spirit in the

country would not justify any Government to dispense with nomination all at once. Sir, Government is a process of evolution; it cannot be brought about or any improvement made in it by any process of revolution. It has to evolve itself only gradually according to the circumstances and practical statesmanship demands that however high one may soar in the air of political theory, people who are responsible for the Government of a country have to look down at the Mother Earth and see for themselves whether a particular system or theory can operate under certain particular circumstances. Sir, we are a practical people, not idealists. A surgeon who finds that there is a cancer in the leg of his patient, and if he is of opinion that that cancer may grow up leading to the death of the man, then he will immediately amputate that limb. But to the public and to the theorists this method would seem to be an oppressive, cruel and even indiscreet method. But the people who have the birds' eye think that they cannot take that narrow view. In this connection, I may say that I visited Jalpaiguri some time ago and I found that although the tea-planters there paid more than one-fourth of the cess collected in that district, yet there was not a single tea-planter represented on the District School Board of Jalpaiguri.

I have known that the Missionaries have been doing their utmost for the spread of education among the Depressed Classes or the Scheduled Castes people and yet they have no representation anywhere. They are taking living interest in their work, not lip interest. We look about and find that there are other aboriginals who have got a direct stake in the country. I am likening their case to that of the proverbial toad under the harrow while the gubernatorial butterflies are fluttering in the air preaching contentment to other people. These are the reasons which have compelled me, rather impelled me, to take notice of the entire situation in Bengal and to introduce a remedy. There is another thing. We have given the Scheduled Castes community two seats by nomination. My friends on the Opposition benches protested about the method of their representation, although this complaint was not heard in the Lower House where there are more than 35 Scheduled Castes members. They never wanted election. It is only the leaders of the Muslim League who want election for them. But the Scheduled Castes members do not want it. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They want it.) No, they do not want it; the two members of the Scheduled Castes here do not want it: they do not want election. Then, as regards the suggestion that the Scheduled Castes members of the Legislature would elect them, well, the members of the Scheduled Castes in the Legislature never uttered a word like that. My friends on the other side say that this measure is anti-democratic. How? What is a democratic Government? Democratic Government is of the people, by the people and for the people. I, as a representative Minister, responsible to the Legislature cannot thrust anything down their throat. There is no demand for election anywhere but the demand is made by the Opposition for the first time. The Opposition has showered their blessings—I must say, even-handed justice on all concerned, and on different groups on this side. It extended the hands of generosity even beyond the House and cast reflection on the Press saying why they do not publish the helpful and good suggestions made by the

Opposition. So, their attitude is that of the Samson Agonistes who tried to pull down the seven pillars of the Herculian. But as I have said, as an old politician and as Leader of the House, I have got a thick skin and I am thinking of buying some rhinoceros skin to protect me from some future attacks by the Opposition. (Sir BIJOY PRASAD SINGH ROY: You have already got hide-bound skin.) Therefore, it appears to me that the Opposition have failed by long and arduous arguments to satisfy any one of this House except a selected few of their friends to convince the House that the Bill will not be of benefit to the people and there may be some who may think it a retrograde step; but I as a representative Minister am bound to obey the honest mandate of the people. I have got no other mandate. It is no use battering your heads against stone walls. There has been no complaint against this Bill either in this House or outside. But the Opposition have taken upon themselves to defend the Scheduled Castes. They have become their advocates without any authority whatever.

Now, the principle of extended nomination was approved by the different parties, and in going to meet the different parties' wishes I have allowed the nominations to be reduced to the irreducible minimum. Take for instance, the case of the membership of the Subdivisional Officers as nominated *ex-officio* members on the Boards. I wanted that Additional Subdivisional Officers who have got separate jurisdiction should also be on the Board. The other parties objected saying that if Additional Subdivisional Officers are made *ex-officio* members, they would ask for Additional Vice-Chairmen. So you may well imagine in the stillness of your chamber what you have done by delaying this Bill and what it cost the country for which you are crying so much, for these longer days' sittings. Previously, it was a Government of the aristocracy but now it is a Government of democracy. Therefore, instead of frittering away your energies on bitter criticisms of Government if you try you may help us by practical suggestions. By bitter criticisms you not only lower your own reputation, but also the dignity of this House and waste time and public money.

I thank again all those who have praised me and those who have dispraised me, all equally. With these words, I hope that the House will pass the Bill.

Mr. DEPUTY PRESIDENT: The question before the House is: that the Bengal (Rural) Primary Education (Amendment) Bill, 1942, as settled in the Council, be passed.

(The motion was agreed to.)

Prorogation.

Mr. DEPUTY PRESIDENT: I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members absent.

The following members were absent from the meeting held on the 24th November, 1942:—

(1) Khan Bahadur Nazimuddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. B. C. Datta.
(8) Mr. N. C. Datta.
(9) Mrs. K. D'Rozario.
(10) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(11) Mr. Mohamed Hossain.
(12) Khan Bahadur Mohd. Asaf Khan.
(13) Maulana Mohd. Akram Khan
(14) Mr. J. McFarlane.
(15) Mr. T. B. Nimmo.
(16) Mr. R. Pal Chowdhury.
(17) Rai Sahib J. N. Ray.
(18) Dr. K. S. Ray.
(19) Rai Bahadur R. B. Roy.
(20) Mr. B. K. Roy Chowdhury.
(21) Sir B. P. Singh Roy.
(22) Dr. Kasiruddin Talukdar.

APPENDIX.

Authorised English translation of the Bengali speeches delivered at the meeting of the Bengal Legislative Council during the Second Session of 1942.

* * * * *

Resolution condoling the death of Mr. Satyendra Chandra Mitra, the late Hon'ble President of the Bengal Legislative Council.

Maulana MUHAMMAD AKRAM KHAN: Mr. Deputy President, Sir, I have no knowledge of Constitutional Law. So I had no power to understand what our worthy President did in that regard or what capacity he had to do it. My acquaintance with Satyendra Chandra was not as the President of the Council. From before the time when he became the President,—from the day when his life was honoured with success at different fire-ordeals, I had been acquainted with him. I, also joining my voice with that of the Hon'ble Chief Minister, may say that Satyendra Chandra had one peculiarity and that is, he had absolutely no camouflage about him. I saw him personally. I had no knowledge about him in his capacity as a lawyer. I am not a lawyer nor can I say what makes a good or a bad lawyer. But on the day on which the flood tide of thoughts and actions in its varied course shook Bengal to its very depth I saw Satyendra Nath for the first time. Since then I had seen him in adversity and in prosperity,—seen him discussing spirituality and in the *sankirtan* party and had also seen him as a worker afflicted by fasting; everywhere I saw that prosperity could not move him from his duty and adversity could not make him deviate from his ideals. I do not want to say anything more. My friendship with him was of long duration and very deep. The sense of want and inexpressible pangs which the members of his bereaved family are experiencing—I say to you, so many gentlemen who are present here,—there is also God over-head and I can say unto Him also with all my heart—that my pangs are no less than that of the members of his bereaved family.

There were days when sitting by his seat of contemplation I had worked and discussed with him; I do not want to say anything about his contemplation of those days. But one result of that discussion was this that I asked Satyendra Chandra to give me permission to draw inspiration from the source of strength from which he used to draw it; and as a result of the combination of these two inspirations such a great inspiration would be created as will remove a genuine want of Bengal—a gap which has not been fulfilled for a long time—and would thereby enable us to atone for the sins of many centuries. Many of you who are present here are praising him for his subtle knowledge of the law and his efficiency; my knowledge about the law is poor and I have therefore not much to say in that regard. But one thing I must openly confess. At the time of his election as President of the Council some allegations were levelled against us from certain directions. But Satyendra Chandra by his last 6 years of work proved that a man, if he be efficient,

impartial and god-fearing,—under a Hindu President like him Muslim interests are not hampered, nor are Hindu interests hampered under such a Muslim President.

The gentleman about whom we are today discussing was mortal as we are. I do not believe that a man dies as soon as his soul is separated from the body.

There is a Sanskrit verse—please excuse my pronunciation—which runs as follows:—

Fleeting is mind, fortune, life and youth.
Everything is fleeting but only he who has earned fame lives.

So many of us have today assembled here—the pangs which are expressed by our combined tears convince me firmly that the memory of Satyendra Chandra's death and the ideal of his life will be kept alive by the Bengalis. One who can live as Satyendra Chandra did is blessed and one who can die like him is also blessed.

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Address—

To His Excellency the Governor of Bengal regarding recruitment of more cadets in the Indian Defence Forces. (Agreed to.) Pages 117-123.

To His Excellency the Governor of Bengal regarding discontinuance of recruitment to the Civil Branch of the Indian Medical Service as early as possible. (Agreed to.) Pages 113-117.

Adjournment motion(s)—

Regarding failure of the Government to put into operation an efficient and effective scheme for control of prices of foodstuffs and other necessaries of life. (Not pressed.) Pages 45-47.

Regarding failure of the Government to give protection to the students of Calcutta colleges against picketers and closing them by administrative order. (Disallowed.) Pages 47-49.

Regarding the unprecedented, improper and illegal conduct of the Bengal Ministry in allowing travelling allowances to be drawn by party members from public funds for attending party meetings. (Disallowed.) Pages 49-51.

Regarding dearth of small coins. Page 472.

Regarding Midnapore cyclone. Discussion on—. Pages 494-497.

Regarding imposition of collective fines on the Muslim population of Bengal in general and in particular of Vardahat in Chittagong, Burichang, Dharmpur in Tippera, etc.. (Leave rejected by the House.) Pages 544-545.

Tabled and speeches made by Mr. Nur Ahmed regarding feeding arrangements for the Muslim evacuees from Arakan and other parts of Burma who have arrived at Chittagong. (Not pressed.) Pages 542, 543, 544.

Adjournment motion(s)—*contd.*

Regarding dilatory method adopted by Government in sending relief officers to the cyclone-affected areas of Midnapore, tabled by Khan Bahadur Saiyed Muazzamuddin Hosain. (Disallowed.) Pages 545-546.

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Regarding delay in the submission of first report by local officers of the cyclone disaster in Tamluk and Contai, tabled by Khan Bahadur Saiyed Muazzamuddin Hosain. (Not admitted.) Page 545.

Tabled by Mr. Nur Ahmed regarding Government policy in ordering an enquiry into the working of the Dacca District Board with a view to its supersession. (Disallowed.) Pages 585-586.

Regarding rise in the prices of foodstuffs in some districts of Bengal by Mr. Nur Ahmed. (Disallowed.) Pages 617-618.

Notice of an—given by Khan Bahadur Saiyed Muazzamuddin Hosain regarding the withholding of the publication of Chief Minister's statement in the Press regarding the Kishoreganj Mosque Shooting incident, made in the House. (Disallowed.) Pages 625-626.

Tabled by Khan Sahib Abul Quasem regarding the conduct of the District Magistrate of Mymensingh in allowing a procession with music to pass by the Purana Thana Mosque at Kishoreganj. (Disallowed.) Pages 667-672.

Tabled by Mr. Nur Ahmed to discuss the political and constitutional issues leading to the resignation of Hon'ble Dr. Shyamaprasad Mookerjee, Finance Minister, Government of Bengal. (Disallowed.) Page 672.

Adjournment motion(s)—*concld.*

Tabled by Khan Bahadur Saiyed Muazzamuddin Hossain about an order of the Subdivisional Officer of Nator forbidding all political demonstrations and speeches and criticisms of Government policy. (Disallowed.) Pages 695-697.

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Question as to whether—have been affected by the policy of jute restriction. Pages 651-652.

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Ahmad, Khan Bahadur Naziruddin—

Motion moved by—that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1941, be referred to a Select Committee. Pages 185-188, 190.

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Suggestion made by—if a Select Committee motion offended against rule 56 of the Procedure Rules, an amendment might be allowed to be moved to cure the deficiency by changing some names. Page 190.

Attention of the Chair drawn by—to the fact that the European Group could not nominate any one of their party for election to the Privileges Committee, due to some misunderstanding. Page 179.

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Ahmad, Khan Bahadur Naziruddin—*concld.*

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Speech by—on the third reading of the Bengal Agricultural Debtors (Second Amendment) Bill, 1942. Page 147.

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Speech by—on the motions relating to the general statement made by the Chief Minister on the present situation in the province. Page 236.

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Speech by—on the motion for circulation of the Bengal (Rural) Primary Education (Amendment) Bill, 1942, as passed by the Assembly. Pages 262-263, 264, 269.

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Speech by—on the demise of the Hon'ble Mr. S. C. Mitra, President of the Council. Pages 389-390.

Speech by—on the demise of Rai Bahadur Manmatha Nath Bose, M.L.C. Page 402.

Ahmed, Mr. Mesbahuddin—

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Ahmed, Mr. Nur—

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Speech by—on the third reading of the Bengal (Rural) Primary Education (Amendment) Bill, 1942. Pages 682-685, 700-702.

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Speech by—on the motion for consideration of the Bengal (Rural) Primary Education (Amendment) Bill, 1942. Pages 288-290.

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Observation made by—that no notice having been given by the Hon'ble Minister of his intention to move for consideration of the Bengal (Rural) Primary Education (Amendment) Bill, 1942, which ought to have been done, he should give formal notice before he proceeds further. Pages 231-232.

Observation by—that he cannot allow any further debate after a reply has been given by the mover of a motion and the Hon'ble Minister has spoken thereon. Page 336.

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Observation by—that freedom of speech was a great privilege but abuse thereof in a lighthearted manner was to be deprecated, and he could not allow any honourable member to continue in that strain. Page 363.

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Observation by—that the word "lie" was an unparliamentary expression. Page 456.

Observation by—that it is the general convention that unless an adjournment motion which is under consideration is disposed of, other adjournment motions are not taken up. Page 439.

Observation by—regarding Mr. Nur Ahmed's adjournment motion on the Midnapore cyclone that if the Hon'ble Minister's statement on the subject did not satisfy the member then, if necessary, he could move his adjournment motion. Page 496.

Observation by—that members should not waste the time of the House by mutual accusations on personal or party lines, and that members had assembled there for serious business. Page 515.

Observation by—on the change in the hour of sitting on Fridays. Page 517.

Observation by—that no member should base any argument or conclusion as to the working of any member's mind on amendments which have not yet been moved. Page 503.

Observation by—that an Hon'ble Minister though not a member of the Upper House may serve as a member of a Committee of the Upper House. Page 560.

Observation by—regarding reply of question to be given by the Hon'ble Nawab Bahadur of Dacca. Page 609.

Observation by—that as the House was not agreeable to accept an amendment as a short-notice motion he could not accept it. Page 636.

Observation by—that questions may be put to Hon'ble Ministers only for eliciting information and not in a spirit of cross-examinations. Page 677.

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Remark by—that it was not intelligible how a statement made in the Council being a part of the proceedings of the House, could be withheld by anybody. Page 626.

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Remarks and observations made by—in connection with the discussion of the Usurious Loans (Bengal Amendment) Bill, 1940, moved by Mr. Nur Ahmed. Pages 560, 561, 562.

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Ruling by—that if after the final reply of an Hon'ble Minister any member speaks, then the Hon'ble Minister has the right of making a reply only to the new points thus raised. Page 148.

Ruling by—that a Select Committee motion which was not drawn up in accordance with the respective party strength of the different parties was out of order. Pages 275-276.

Ruling by—that, if necessary, voting will be allowed on the special motion or motions arising out of the Chief Minister's statement regarding the general situation in the province. Page 238.

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Non-official resolution moved by—regarding manufacture of articles hitherto imported from Japan, Germany and Italy. Pages 448-451.

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Point of order raised by—as to whether a member was entitled to cast any reflection on the Chair. Page 456.

Point of order raised by—that the second motion for circulation of the Bengal (Rural) Primary Education (Amendment) Bill, 1942, was almost similar to the one just now decided by the House, and hence repetition of the old arguments should not be allowed. Page 269.

Point of order raised by—that Mr. Abul Quasem's Select Committee motion on the Bengal (Rural) Primary Education (Amendment) Bill, 1942, should be ruled out of order as the same does not correctly represent the different parties in the House. Page 271.

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